PEF CODE OF ETHICS

In 1980, a Code of Ethics was adopted by the Executive Board. Recommended by the PEF Ethics Committee, the code includes a mechanism to deal with violations of the PEF Code of Ethics, as well as violations of the PEF Constitution, Special Rules of Order, and PEF policy, as set forth herein. The code was amended in 2006.

VIOLATIONS

PEF, its officers and members may be charged with:

1. A violation of specific provision(s) of the PEF Constitution and Special Rules of Order, or,
2. A violation of the PEF Code of Ethics, or
3. A violation of the Guidelines for PEF E-Mail accounts, or
4. A violation of the PEF policy on personal gifts and gratuities, or
5. A violation of the PEF professional conduct policy, or
6. For elected officials, any violation of the PEF Code of Conduct for Elected Officials.

CODE OF ETHICS

1. No member shall use the PEF name or logo for other than official PEF business.
2. Only official PEF literature shall be posted on PEF bulletin boards provided under contractual rights by the collective bargaining agreement with the State of New York.
3. Only official PEF business shall be conducted at meetings arranged in the name of PEF. Meeting space at PEF-operated facilities shall be allocated in a fair and equitable manner.
4. No member shall commence lineation against PEF or any of its officers, Executive Board members, or general members, without first seeking redress from the Executive Board or its duly appointed committee(s).
5. All members shall conduct themselves in a manner that is conducive to fairness and fair play working only for the good and welfare of the membership.
6. No official PEF letterhead, PEF publication or PEF Internet Website will be used to endorse a PEF member for union election.
7. Official PEF publications and PEF Internet website will not be utilized for individual
accusations which are slanderous or which effectively amount to character assassination of other PEF members.

8. No steward shall be denied the opportunity to have a meeting convened to deal with issues of interest to that steward or his/her constituency.

9. No member or officer shall bring charges of a malicious or frivolous nature against another member or officer.

10. No elected official shall engage in corrupt or unethical practices by taking money, books, records or other property belonging to PEF or its divisions. The unauthorized destruction; alteration; or mutilation of records, vouchers, or receipts will constitute a violation of this code.

11. No officer or member shall abridge the rules and procedures adopted by the PEF Convention or Executive Board, nor violate an oath of office.

12. No member or officer shall engage in corrupt practices or racketeering.

13. No elected PEF official shall engage in dual unionism or advocate secession from PEF.

14. No member or elected official shall engage in bigotry or discrimination.

**ENFORCEMENT**

To enforce the provisions of this code, the President shall appoint members to a Committee on Ethics and Responsibility (Ethics Committee), who will make periodic reports to the Executive Board on the status of cases and other matters brought to the attention of the committee.

**PROCEDURE**

A. **Charges**

Charges may only be initiated by PEF officers or members in good standing. The written charges must be legible and specific, and filed on a form provided by the Ethics Committee. This form shall be signed by the charging party and notarized. The form shall contain:

1. Name, address, title, and work location of the charging party.

2. Name, address, title, and work location (if known) of the accused.

3. A citation of the specific ethics code by number and/or specific paragraph of the
Constitution and/or PEF policy, as set forth herein allegedly violated.

4. A clear and concise statement of the facts surrounding the charge, to include the date and place of occurrence as well as the date of discovery of the alleged violation. The names of witnesses should be identified, and their statements included, Attach documentation to substantiate the charges. The onus for producing evidence and investigating the issues rests with the charging party.

5. If a member is convicted in a court of law or enters into a plea bargain agreement for misuse or misappropriation of union monies, or if the union obtains a civil judgment against a member for the misuse or misappropriation of union monies, or as part of a settlement agreement between the union and the member, the member agrees to reimburse the union for monies improperly obtained or disbursed, PEF's Secretary-Treasurer shall be informed of the conviction, judgment or settlement Agreement. The Secretary-Treasurer is then mandated to file charges on behalf of PEF against the member with the Ethics Committee. This paragraph shall not preclude other Officers or members in good standing from filing charges with the Ethics Committee against a member for the alleged misconduct set forth in this paragraph.

B. Filing

The form shall be filed in duplicate with the Secretary-Treasurer of PEF, or with the President, in the event the Secretary-Treasurer is named. These officials shall refer the case immediately to the chair of the Ethics Committee. Charges must be filed no later than 60 days after the charging party discovers the alleged violation. If a charge is filed against a group, each member of that group must be named in the charge and must be notified. The date of filing shall be the date of the postmark or the day of hand delivery to the Secretary-Treasurer as evidenced by a signed receipt.

The Secretary-Treasurer shall serve the respondent with a copy of the charges either personally or by certified mail, return receipt requested, directed to the last known home address of the respondent. The respondent shall have 20 days in which to respond if personally served. If the charges are served by mail, the 20 days to respond begins to run 7 calendar days from the date of mailing, as shown by the date of postmark. The same time to respond applies in the event the document is undeliverable or refused. Copies of all correspondence, to include the response of the accused shall be forwarded to the Ethics Committee for review and resolution. A copy of the respondent's reply will be sent to the charging party.

C. Ethics Committee

A committee of five members in good standing shall be appointed by the President. A quorum, consisting of at least three Ethics Committee members shall be required to consider and render a decision on charges; all decisions will be by majority vote.
Meetings of the Ethics Committee will be held in Executive Session and all members of the Committee will have an obligation for confidentiality. The committee will make every effort to meet within 60 days of receipt of the grievance to review each case. The committee may:

1. Dismiss or deny the charges if the committee finds no substantial evidence of a constitutional or ethics code violation; or

2. Sustain the charges and issue an ethics opinion to the parties by certified mail, return receipt requested, defining their responsibilities under the Constitution, Code of Ethics, or PEF policy if violations are found to be of a minor or technical nature.

3. Refer the matter to the President for a hearing before a Hearing Panel, if it finds substantial evidence of a more serious violation of the Constitution, Code of Ethics, or PEF policy. (See Section E)

Internal committee rules of decorum may include a provision that impacted individuals and witnesses may be invited to attend committee meetings. The purpose of such an invitation shall be to obtain more information or to clarify an issue in the charges or in the response. Members should be informed of the status of their case after submission, as well as be told reasons for sustaining or dismissing cases. The chair will prepare a summary of the cases to be presented to the Executive Board to simplify understanding of issues.

Additionally, all correspondence relative to cases will be made available to all parties, and committee members will not accept phone calls from litigants except to identify procedures, documents, and resources. The chair will excuse a committee member should the appearance of conflict of interest surface.

D. Appeals to Executive Board

1. Appeals of Ethics Committee decisions dismissing charges or sustaining charges found to be of a minor or technical nature may be brought to the Executive Board by any party to the charge. Appeals may also be brought to the Executive Board by any party to the charge from any Hearing Panel decision. All appeals will be filed with the Secretary-Treasurer within sixty (60) days of the receipt of a decision.

2. The appeal must be received in duplicate by the Secretary-Treasurer (or President). The appeal shall contain a concise statement of the facts that the appellant feels warrants such an appeal.

3. The Executive Board, upon one-third (1/3) vote of those present and voting, shall hear the appeal at its next scheduled meeting, provided that the appellant postmarks the appeal within thirty (30) calendar days prior to the meeting.
4. In-person presentations to the Executive Board by the appellant or other parties to the grievance will require a majority vote of the Executive Board. Travel and other expenses to attend the appeal will not be provided by PEF. There will be no requirement on the part of PEF or the Executive Board to schedule hearings or appeals for the convenience of any of the litigants, nor will postponements be granted to accommodate such parties.

5. A majority vote is required to overturn a decision by the Ethics Committee.

6. Board members party to the grievance will not be allowed to vote.

7. A decision by the Executive Board will be considered final.

E. **Hearings Before the Hearing Panel**

1. Upon receipt by the President of a charge referred by the Ethics Committee for a hearing, the President shall appoint a five-person Hearing Panel, subject to confirmation by the Executive Board, to preside at the hearing or trial. The members of the Hearing Panel shall be members of the Executive Board. No party to the charge or potential witness to the events at issue in the charge may be a member of the Hearing Panel.

2. The accused may appear before the Hearing Panel in person and with witnesses to answer the charges. A full and fair hearing will be conducted, with the accused afforded the right to question witnesses and examine any evidence presented by the charging party. Witnesses need not testify under oath. The accused may select another PEF member to represent him or her in the presentation of a defense. The accused may elect to present a defense in writing rather than personally appear. In the absence of a written or personal defense, the hearing or trial shall still proceed.

F. **Judgment of the Hearing Panel**

1. Upon completion of the hearing the Hearing Panel shall vote on whether to sustain the charges in whole or in part. A majority vote of the Hearing Panel shall be required to sustain the charges. The Hearing Panel shall render its decision within thirty (30) calendar days of the end of the hearing or trial. The Hearing Panel's decision shall include a summary of the evidence presented and shall state the basis upon which the decision was made. The Hearing Panel's decision shall be sent by certified mail, return receipt requested, to the accused, the charging party, and to such other persons as may be deemed appropriate. If the charges are not sustained, they shall be dismissed.

2. If the charges, or any portion thereof, are sustained, the Hearing Panel shall render judgment and may impose discipline. Discipline may include:

   a. Requirement that the guilty party or parties conform to the Constitution or Code
   b. Commands to do or perform or restrain from specific acts.
   c. Reprimand.
   d. Deprivation of PEF privileges.
e. Removal from office  
f. Suspension or expulsion from PEF.

G. **Failure to Comply**

Failure by an elected official to comply with a final judgment imposing discipline shall be considered an action detrimental to PEF's interest and may lead to impeachment, as governed by Article XIII of the PEF Constitution and Bylaws.

Failure by a member to comply with the decision of the Executive Board will be grounds for the board to take further disciplinary action.

H. Judgments of the Hearing Panel are final unless an aggrieved party appeals the decision to the Executive Board.

**SEIU VIOLATIONS:**

In the case of charges filed under SEIU Constitution, those appeals shall be pursuant to Article XVII, Section 6, 7 and 8 of that constitution.

Adopted: March 8, 1996  
Executive Board Meeting

Revised: March 3, 1999  
Executive Board Meeting

Amended: June 7, 2002  
Executive Board Meeting

Revised: November 22, 2002  
Executive Board Meeting

Revised: August 5, 2005  
Executive Board Meeting

Amended: March 3, 2006  
Executive Board Meeting

Revised: August 18, 2006  
Executive Board Meeting

Revised: August 23, 2018  
Executive Board Meeting
Rules of Procedure For Hearings (Before Hearing Panel)

1. The Secretary-Treasurer will notify all parties to the charge by certified mail, return receipt requested, at least 30 days in advance of a hearing or trial as to the date, hour and place that the proceedings will take place. Copies of the Committee on Ethics and Responsibility's summary and recommendations and these rules will be forwarded at that time.

2. The parties to the charge will present their own cases or have another PEF member present the case. Outside attorney's will not be present during any proceedings.

3. Relevant evidence, whether presented through documents or testimony, will be reviewed by the Hearing Panel. Hearsay evidence is admissible.

4. Witness lists with descriptions of the proposed testimony will be submitted to the Hearing Panel in advance. The Hearing Panel may direct that a party to the charge cut their witness list should considerable duplication and redundancy be apparent.

5. The Committee on Ethics & Responsibility will present a written and oral summary of its findings to the Hearing Panel.

6. All hearings shall be held in executive session. Only parties to the charge will be present. Witnesses will be called in order and admitted when their testimony is called for. The Hearing Panel will announce at the beginning that the proceedings are in executive session, and that there is an obligation for confidentiality.

7. Each party to the charge will be allowed to make a presentation for up to 15 minutes.

8. Witnesses will be allowed to testify for up to 15 minutes each unless the Hearing Panel determines that additional testimony is needed.

9. Cross-examination of witnesses, grievants and respondents will be allowed.

10. Each side to the dispute will be allowed 15 minutes to summarize their respective positions.

11. The Hearing Panel shall be authorized to adopt such other rules of procedure as are necessary to ensure an orderly and efficient proceeding and to provide all parties' due process.

12. At the conclusion of the hearing, all parties to the dispute will withdraw. The Hearing Panel will then debate the issues. A majority vote will then decide whether to sustain or deny the charges, and what penalty if any shall be imposed.

Note: As a matter of procedure, the Secretary-Treasurer will notify all parties to the case within 30 days by certified mail, return receipt requested, of the result of the hearing, and will ensure that the penalties (if any) are enforced.

Rules 1-12 Adopted August 5, 1994
Executive Board Meeting
ETHICS GRIEVANCE PETITION  ERC#___________ Office Use

1. ____________________________  ______________________ ____________________
   Grievant Name                      Full Home Mailing Address

2. ____________________________  ______________________ ____________________
   Respondent Name    Full Home Address or Work Address (include agency)

Instructions:

- Obtain a copy of the PEF Code of Ethics, the PEF Constitution, or the PEF Policy Manual. These documents are available from your local PEF office, at the PEF website, or from the above address. Refer to the reverse side of this form. In the space below, describe the alleged violations of the specific document section. Briefly describe how the respondent violated those sections, providing appropriate documentation or affidavits, as well as date(s) of occurrence. Use additional blank sheets if necessary. Either type or print your grievance. Upon completion, have your signature notarized, and send two (2) copies of the completed form and attachments to the PEF Secretary-Treasurer at the above address within 60 days after the charging party discovers the alleged violation. NOTE: Illegible or long and rambling documents that do not immediately get to the point will be returned for revision.

3. PEF Constitution, Code of Ethics, or PEF Policy violation by article(s): ____________________

4. Statement of facts: ________________________________________________________________
   ________________________________________________________________________________
   ________________________________________________________________________________
   ________________________________________________________________________________
   ________________________________________________________________________________
   Use additional sheets only if necessary.

5. Oath: ____________________________, being duly sworn, deposes and says that (s)he is the grievant above named and that (s)he has read the above petition consisting of this and _______ additional page(s) and is familiar with the facts alleged therein, which facts (s)he knows to be true, except as to those matters alleged on information and belief, which matters (s)he believes to be true.

   ____________________________                     Sworn to me this _____day of 20____
   Signature of Grievant

Rev. 8/5/05                     Notary Public
1. Statement of facts should be clear and concise. Use of excess verbiage detracts from understanding the issues.

2. Ensure that the filing deadline meets the 60 day timeliness test, otherwise the petition will be ruled invalid. If the latest example of an unethical act is part of a series of events, indicate that the actions are continuous so that earlier occurrences can be cited, and not ruled invalid.

3. Provide documentation to support charges. Get witness statements, attributed documentation and other direct evidence. Unsupported claims will be dismissed.

4. Do your own investigation. The committee meets and reviews paperwork submitted, and does not have the resources to interview witnesses or research unsubstantiated charges.

5. Your case will have a number assigned after submission. The number starts with the year of filing, followed by a number indicating the order in which it was received e.g. (93-14). Refer to your case number in all subsequent correspondence. The committee cannot be held responsible for the misfiling of documents not referencing the case number.

6. If additional evidence or documentation comes to light subsequent to your initial filing, you may submit such documentation provided that time permits that copies can be provided to the respondent prior to the hearing of the case.

7. Once the committee reaches a decision, it is final. Further recourse is through an Executive Board Appeal. Contact the Secretary-Treasurer for the appeals procedure.

An example of a good grievance submission follows:

On October 25, 19__, Mr. Smith violated the PEF Code of Ethics section that states, "only official PEF literature shall be posted on PEF bulletin boards..." when he placed a defamatory caricature of me on the PEF bulletin board on the third floor of the Grant Building in Batavia, NY. The document is attached as Exhibit "A". The event was witnessed by myself and Mrs. Brown. Mrs. Brown's signed statement is attached as Exhibit "B".

This event was preceded by an incident on July 14, 19__, when Mr. Smith placed a false document describing my duties as a steward on the same bulletin board. The document is labeled "C". It was witnessed by Mr. White whose statement is Exhibit "D".

These events are part of a continuous effort to defame my character.

Rev. 8/5/05
Respondent Name

Full Home Address or Work Address (include agency)

Instructions: Obtain a copy of the PEF Code of Ethics, the PEF Constitution, or the PEF Policy Manual. These documents are available from your local PEF office, at the PEF website, or from the above address. Refer to the reverse side of this form for specific instructions. In the space provided below, briefly respond to the charges as appropriate. Use additional blank sheets only if necessary. You may attach notarized witness statements or other exhibits to document your statement. Either type or print your response. Upon completion, have your signature notarized, and send two (2) copies of the completed form and attachments to the PEF Secretary-Treasurer at the above address within 20 days of receipt of the grievance that was filed against you. If additional time is required for a response, contact the chair of the committee, or the PEF Secretary-Treasurer

NOTE: Illegible or long and rambling documents that do not immediately get to the point will be returned for revision.

I have received the grievance petition filed against me, and the following statement is my response to the grievance:

_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________

Use additional sheets only if necessary.

Oath: ___________________________, being duly sworn, deposes and says that (s)he is the grievant above named and that (s)he has read the above petition consisting of this and _______ additional page(s) and is familiar with the facts alleged therein, which facts (s)he knows to be true, except as to those matters alleged on information and belief, which matters (s)he believes to be true.

_______________________________    Sworn to me this _____day of 20____
Signature of Respondent

_______________________________    Sworn to me this _____day of 20____
Notary Public

Rev. 8/5/05
ETHICS GRIEVANCE RESPONSE

1. Immediately contact the Secretary-Treasurer for the Code of Ethics procedure to assist you in responding to the charges if you did not receive one with the charges.

2. All documents relating to your response should have the case number referenced. This is the number that appears in the upper right hand corner of the grievance petition. The number starts with the year of filing, followed by a number indicating the order in which the grievance was received (e.g. 93-14).

3. Provide a clear and concise rebuttal. Use of excess verbiage detracts from understanding the issues.

4. Check to ensure that the petition filed against you was filed within the 60 day time limit.

5. Provide documentation where possible to rebut the charges. Remember, the onus for proving the charge is placed upon the grievant, but you can help your case with signed witness statements and attributed documents.

6. Feel free to submit additional evidence or documentation at the time prior to the decision.

7. You must perform your own investigation. The committee meets and reviews paperwork relating to the charge, and does not have the resources to interview witnesses or research documents.

8. Once the committee reaches a decision, it is final. Further recourse is through an Executive Board appeal. Contact the Secretary-Treasurer for the appeals procedure.

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