



DIVISION APPEALS PROCEDURES/GUIDELINES

1. Any current PEF Division member who believes he/she is aggrieved by anyone's alleged violation of the Division Election rules or any PEF Policy or Procedure concerning Division Elections; or any alleged misapplication or misinterpretation of their Division constitution, any portion of the PEF Constitution dealing with Divisions may appeal such to the PEF Divisions Committee. This forum does not handle any ethics grievances arising as a result of the election process.
2. The appeal shall be submitted on a Divisions Appeal Form, which can be obtained by calling the PEF Divisions Department.
3. The appeal must be specific and in writing and filed with the Divisions Committee by certified mail.
4. The appeal shall contain a concise, statement of the facts of the alleged violation, misinterpretation or misapplication, including the following:
 - a. The name, address, Member Identification Number, work phone number, title and work location of the charging party;
 - b. The name, address, Member Identification Number, title and work location of the respondents, if possible; and
 - c. A clear and concise notarized statement of the facts alleging the charge(s), including the date(s), place(s) of the occurrence(s), meeting minutes, memos, or letters etc.;
- d. **REMEDY** - Be sure that you have a solution or remedy to the appeal.
5. The appeal form is to be signed by the charging party and must be notarized.
6. The appeal form shall be filed in duplicate. One (1) copy to the Divisions Committee Chair and one (1) to the Divisions Department.
7. Upon receipt of the appeal, the Divisions Committee shall notify, in writing, by certified mail, return receipt requested, the person(s) being charged, the appropriate Regional Coordinator(s), Executive Board member, Division Council Leader and such other persons as may be deemed appropriate, of the pendency of the appeal. Such persons shall then have fifteen (15) working days from notification of the pendency of the appeal to make a written submission to the Committee. The fifteen (15) working days will start seven (7) calendar days from the date of mailing.
8. ***For Division Election Appeals:*** There shall be a time limit of twenty (20) calendar days following the ballot count, for filing appeals to the Divisions Committee. Should balloting not be necessary, the time limit will be twenty (20) calendar days following the last day of petitioning.
9. ***For Misapplication or Misinterpretation of a Division Constitution or of any portion of***

the PEF Constitution dealing with

Divisions: The time limit for filing appeals with the Divisions Committee shall be thirty (30) days from the occurrence. Some issues may be referred to PEF's Constitution and Bylaws Committee if it is determined that this Committee it is not the proper forum to be handling it.

10. ***For Misapplication or Misinterpretation of Robert's Rules of Order:*** Refer to the newly revised issue 2000 Edition of Robert's Rules of Order.
11. The date of filing shall be the date the Division Appeal Form is received in the Divisions Department's office.
12. Nothing in the procedure shall in any way impair the authority of any PEF officer, body or committee from fulfilling normal obligations during the pendency of an appeal.
13. Any questions related to these rules and procedures should be directed to the Divisions Committee or the Divisions Director.
14. The Divisions Committee shall review the appeal and render a decision in writing within ninety (90) calendar days of the receipt of the appeal.

The Committee's decision shall state the basis upon which the decision is made. The

Committee's decision shall be sent by registered mail, return receipt requested to the appellant, the respondent, the Regional Coordinator(s), Executive Board member, Division Leader and to such other persons as may be deemed appropriate. Should the Committee fail to render a decision within ninety (90) calendar days, the appeal may be submitted directly to the Executive Board.

15. The Committee may award appropriate relief in any appeal, including the following;
 - a. ordering compliance with the Constitution, policy or procedure violated;
 - b. ordering and, if necessary, conducting a new election or redefining election constituencies;
 - c. withholding Division funding until the Division or responsible official complies with the Constitution, policy or procedure.
16. The Committee may, however, without considering the merits of the appeal, deny any appeal which it deems is frivolous, repetitive, moot or brought in an unduly delayed fashion. A decision by the Committee to reject an appeal on one of these bases shall be appealable to the Executive Board.

(Approved by the Executive Board 3/5/98)

**PEF DIVISIONS APPEALS
PROCEDURES/GUIDELINES**

KNOW YOUR FACTS

- **Statement of facts should be clear and concise. Avoid opinions or hearsay evidence. Use of excess verbiage detracts from understanding the issues. Too many appeals are lost because the facts were not clearly stated.**

- **Ensure that the filing deadlines are met, otherwise the petition will be ruled invalid.**

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

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

- **Once the committee reaches a decision, it is final. Further recourse is through an Executive Board appeal.**



Divisions Appeal Form (Appellant)



New York State Public Employees Federation
c/o Divisions Committee
1168-70 Troy-Schenectady Road
P.O. Box 12414 Albany, New York 12212-2414
1-800-342-4306

To the attention of PEF Divisions Committee Chair:

Pursuant to a PEF policy regarding Division Appeals, it is the intention of the undersigned to file an appeal against the following person(s): *(If additional space is needed this form may be copied)*

Name of Respondent: _____

Address: _____

Title of Office: _____

Division #: _____ Division Name: _____

Region #: _____ or Sub-Constituency: _____

Agency #: _____ Agency Name: _____

Submitted by:

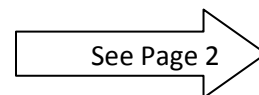
Name of Appellant: _____

(additional persons appealing may use separate forms or add their names, etc. on the reverse side of this form)

Address: _____

Membership Identification Number (MIN): ____ - ____ - ____ - ____

Daytime Phone Number: (____ __) ____ - ____ - ____



Instructions: Obtain a copy of the PEF Constitution, Robert's Rules of Order, your Division Constitution from your local PEF Office, or from the address above. In the space provided below, describe the alleged violation of the specific constitutional or division election rule 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 appeal. Upon completion, have your signature notarized, and send one (1) copy of the completed form and attachments to the PEF Divisions Committee Chair and one (1) copy of the completed form and attachments to the PEF Divisions Director at the above address within twenty (20) days of the occurrence for the misapplication or misinterpretation of a Division Constitution or any portion of the PEF Constitution dealing with Divisions, or within twenty (20) days following the ballot count for Division election appeals. Should balloting not be necessary, the time limit will be twenty (20) calendar days following the last day of petitioning. **NOTE:** Illegible or long and rambling documents that do not immediately get to the point will be returned for revision.

List PEF Constitution, Division Constitution or Division Election Rule, Robert's Rules of Order violations by article(s):

Statement of facts:

(Use additional sheets only if necessary)

Oath: _____ being duly sworn, deposes and says that (s)he is the respondent 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.

Signature of Respondent

Sworn to me this ____ day of _____, 20__

Notary Public