

ASSOCIATION OF FLIGHT ATTENDANTS-CWA, AFL-CIO
FIFTY FIRST BOARD OF DIRECTORS MEETING
MAY 20-22, 2024
ATLANTA, GEORGIA

SUBJECT: Appeal Procedures (Article X.F.3)

STATEMENT OF QUESTION:

Should the AFA-CWA Board of Directors update Article X.F.3 – Appeal Procedures to amend the timeframe for decisions of the board?

SOURCE AND DATE SUBMITTED: Strategic Planning Committee – March 11, 2024

BACKGROUND INFORMATION:

With multiple individuals involved, such as the charging party, accused party, staff, and the board, it has become extremely difficult to meet the timeline of 120 days from when the charges were initially filed.

The initial hearing is usually conducted within 60 days. The accused member or the party making the charge may appeal to the Appeal Board within 15 days of that decision. This takes the time frame to 75 days. The Appeal Board may wish to hold a hearing which involves additional scheduling. This leaves very little time to complete the process, especially if the accused party does not cooperate in the scheduling of such hearing.

The more appropriate timeframe to complete the process including the decision would be 120 days from the appeal being filed rather than from the initial charges being filed.

PROPOSED RESOLUTION:

WHEREAS, there is a need to update the timeframe for issuing decisions of the Appeal Board to allow better flexibility for all parties involved.

THEREFORE BE IT RESOLVED that Article X.F.3 be amended as follows:

F. Appeal Procedures

1. The accused member or the party making the charge, being aggrieved by the decision, may appeal therefrom to the Appeal Board. This appeal shall be by written request within fifteen (15) days from the date of receipt of the written decision from which such appeal is taken.
2. When the Appeal Board receives an appeal request, they shall obtain a copy or resume of the evidence and the decision rendered from the previous hearing body.
3. The Appeal Board may hear appeals solely upon the evidence and decision submitted to it. Upon application of any party, or upon its own motion, the Appeal Board may take additional evidence as it deems proper. The Appeal Board shall designate a time and place and any adjournments for the hearing of charges, with notice of the hearing sent certified mail, return receipt requested. At the discretion of the Appeals Board, hearings may be conducted in-person, by telephone, by videoconference, or by other electronic means. The Appeal Board shall issue its decision no later than one hundred twenty (120) days from the date the ~~charges were~~ **appeal** was initially filed.
4. The decision of the Appeal Board shall be final and binding, and any penalties or disciplinary action, including fines ordered, shall be legal obligations of the member upon whom imposed and enforceable in a court of law. The decision shall be in writing, sent certified mail, return receipt requested, and shall be furnished to the accused member and to the person or body making the charge, and a copy also furnished to the International Secretary-Treasurer of the Union for the permanent records at the International Office. All Appeal Board decisions shall be distributed to all members of the Executive Board as soon as they are available.

THEREFORE BE IT FINALLY RESOLVED that these changes be effective immediately.