



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

June 21, 2024

Via Email
Mr. Kalani Werner
UPW State Director
United Public Workers, AFSCME, Local 646, AFL-CIO
1426 N. School Street
Honolulu, HI 96817

RE: Formal Charges in Violation of the UPW Constitution and AFSCME Financial Standard Code

Brother Kalani:

By email copy on June 14, 2024, I received the enclosed formal charges that were addressed to you from UPW State Secretary-Treasurer Valoaga Moananu. I am accepting the copy of Brother Moananu's charges.

In accordance with Section 10, Article X, of the AFSCME International Constitution and as the presiding officer of the trial body, I am forwarding the charges and a copy of Article X of the Constitution.

In accordance with Section 3, Article X, of the Constitution, the charges will be heard by the local union trial body, UPW State Executive Board. The specific date, time and location of the trial will be provided to the parties at least 15 days prior to the trial.

In solidarity,

A handwritten signature in black ink, appearing to read 'Darrell Wilcox', written in a cursive style.

Darrell Wilcox
State President

Enclosure

HEADQUARTERS

1426 North School Street
Honolulu, Hawaii 96817-1914
Phone 808.847.2631

HAWAII

362 East Lanikaula Street
Hilo, Hawaii 96720-4336
Phone 808.961.3424

KAUAI

2970 Kele Street, Suite 213
Lihue, Hawaii 96766-1803
Phone 808.245.2412

MAUI

841 Kolu Street
Wailuku, Hawaii 96793-1436
Phone 808.244.0815

1.866.454.4166

Toll Free - Molokai/Lanai only



**UNITED
PUBLIC
WORKERS**

AFSCME Local 646, AFL-CIO

June 14, 2024
Friday

To: Bro. Kalani Werner
UPW State Director
United Public Workers
AFSCME Local 646 AFL-CIO
1426 North School St.
Honolulu, Hawaii 96817
(808) 847 – 2631
kwerner@upwhawaii.org

Delivered:

via Email kwerner@upwhawaii.org
via Fax 808.848.1987
via Hand Delivered
via US Postal Certified Mail
9589 0710 5270 2010 2208 71

Fr: Bro. Valoaga “Junior” Moananu
UPW State Secretary – Treasurer
United Public Workers
AFSCME Local 646 AFL-CIO
1007 Peterson Ln #1
Honolulu, Hawaii 96817
(808) 783 -3981
jr.moananu@gmail.com

Re: Formal Charges in Violation of the UPW Constitution
and AFSCME Financial Standard Code

Dear Brother Kalani Werner

In accordance with the AFSCME Constitution (2022 ed.) under Article X (10) Section 6 Judicial Procedure as stated: “Charges shall be in writing and shall be signed by the member or members bringing the charges. The charges shall be specific, citing in detail the nature, the date, and the circumstances of the alleged offence and, where a constitutional provision is alleged, the specific section shall be cited, along with the specific act or failure to act which constitutes the alleged violation. The Charges shall be filed with the secretary of the trial body or, if the secretary of such trial body is a directly interested party, with the presiding officer of the trial body.” Below you will find a list of charges that have been filed against you. These charges have been filed with the AFSCME Judicial Panel.

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Also in accordance with AFSCME Constitution (2022 ed.) Article X (10) Section 7 : “ The trial body at the local level shall consist of the local executive board, unless the local constitution provides otherwise. Any directly interested party shall be disqualified, and the presiding officer of the trial body shall then appoint a disinterested member to serve instead.” On April 12, 2024 a UPW State Executive Board Meeting was held in which the amended meeting agenda included in the New Business Section a proposal to investigate the allegations related to these charges. Therefore having voted to adopt the motion to **not** investigate these allegations has now constituted the entire UPW State Executive Board as a **direct interested party** thus being disqualified as the local trial body.

Furthermore, according to AFSCME Constitution (2022 ed.) Article X (10) Section 12 I : “ The right to choose a person to act as the accused person’s counsel in the case.” Given that you are afforded the right to choose anyone as your legal counsel; it would be a conflict of interest to the Union to select a legal representative from any of the Attorney’s that currently have direct business dealings and/or retained with the United Public Workers Union and /or employed by UPW which includes our own UPW Staff Attorney.

CHARGE NO. 01

Accused Party: Bro. Kalani Werner, UPW State Director

Allegation:

The UPW State Director Bro. Kalani Werner provided severance pay to former UPW employee Mr. Luther Beck from September 22, 2022 to December 22, 2022. Mr. Luther Beck was separated from employment with UPW in early September 2022. Total Gross = **\$49, 752.74**
 Please see the following table as provided by Mr. Luther Beck in email sent on 07/31/2023.

Pay Date	Check Number	Gross Pay	Taxes	Deductions	Net Pay	Type
12/22/2022	3425532	0.00	0.12	-1.28	1.16	Direct Deposit
12/12/2022	3410330	471.14	149.16	0.00	321.98	Direct Deposit
12/07/2022	3403244	14,201.38	4,895.73	0.00	9,305.65	Direct Deposit
12/07/2022	3403245	5,833.33	557.24	5,080.44	195.65	Direct Deposit
11/22/2022	3378965	5,837.32	1,412.72	704.80	3,715.81	Direct Deposit
11/07/2022	3356104	5,837.59	1,412.83	704.80	3,715.70	Direct Deposit
10/21/2022	3335460	5,837.33	1,412.72	704.80	3,715.81	Direct Deposit
10/07/2022	3309998	5,867.32	1,423.99	704.80	3,734.54	Direct Deposit
09/22/2022	3284245	5,867.33	1,424.00	704.80	3,734.53	Direct Deposit
09/07/2022	3262100	5,867.33	1,424.00	704.80	3,734.53	Direct Deposit

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Also, in attempts to request a review of Mr. Luther Beck's paychecks the following email was sent by UPW President Darrell Wilcox on November 03, 2023 to deny access to these records:

Aloha Braddah Junior,

This is in response to your email dated October 26, 2023.

You requested a review of records of former UPW employee Luther Beck's paychecks, pay stubs and non-disclosure agreement or confidentiality notice for severance pay for Mr. Beck.

In accordance with the UPW Constitution, Article 8, Section 2., b. State Director duties - Be empowered to hire and fire personnel necessary to conduct the efficient Union Business. As the State Secretary-Treasurer, you of all people should know this.

To further support the State Director's authority, UPW consulted with AFSCME and received a response from the General Counsel's office and was informed that "detailed payroll records are not open to general review and the local is under no obligation to release that information." Therefore, your request is being denied.

In addition, you requested to review any agreement between UPW and Mr. Beck, and as advised by the attorney who wrote up the confidentiality agreement, it is also being denied.

Respectfully Yours,

Darrell Wilcox
UPW State President

Violation:

- 1). UPW Constitution (2023 ed.) Article 8 Section 2 F :

“ Conduct the affairs of the Union in strict accordance with this Constitution, the policies of the Convention and the State Executive Board and according to the State Director's discretion whenever and wherever it is not so expressly limited. The State Director's actions that are not spelled out in the UPW AFSCME Constitution shall be subject to review and approval by the State Executive Board.”

2). AFSCME Financial Standards Code (2024 ed.) Appendix F- Employee Severance Pay

“The affiliate must have a policy which addresses any payments required to be made in the event of employee severance from service. The policy must state the conditions necessary to qualify for any payments due to severance (e.g., required years of service, part time vs. full time, no payment if terminated for cause). It clearly identify how the amount of severance is to be calculated, identify the maximum allowable, if there is a maximum, and state when it is to be paid. The value of the vested severance balance should be reflected as a liability in the affiliates’ financial statement at the end of the year.”

Violation Type:

Per AFSCME Constitution (2022 ed.) Article X (10) Section 2B:
“Misappropriation, embezzlement, or improper or illegal use of Union funds.”

This violation is classified as an illegal use of Union Funds given that there is **no** formal UPW Policy and Procedure for UPW employee severance pay that was approved by the UPW State Executive Board. Furthermore, the actions of UPW State Director Kalani Werner with regards in granting severance pay for Mr. Luther Beck is a violation of the UPW Constitution as his actions of approving severance pay is **not** “spelled out” in the UPW Constitution nor did he receive a review and approval from the UPW State Executive Board.

CHARGE NO. 02

Accused Party : Bro. Kalani Werner, UPW State Director

Allegation:

Personal charges were made on the UPW Union Credit Card for the airfare travel of the UPW State Director’s family member Mrs. Bernalyn Werner October 15, 2022. Mrs. Bernalyn Werner is not a member of the United Public Workers Union Local 646. This transaction was claimed to have been made by former UPW employee Mrs. Hauoli Kim at the direction of UPW State Director Kalani Werner. Mrs Hauoli Kim was also the Executive Secretary to the UPW State Director who was in charge of Air Travel bookings. Mrs. Hauoli Kim was separated from employment with UPW on November 01, 2022.

UPW Credit Card Account ending in 2102

<u>Transaction No.</u>	<u>Transaction Date:</u>	<u>Amount:</u>
809	10-15-22	\$801.41

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Violation:

AFSCME Financial Standards Code (2024 ed.) Article VII Expenditures –Documentation
Section 3 Paragraph 4

“ Personal charges on the affiliate’s credit card are strictly prohibited. If an officer, member, or employee uses their personal credit card for a valid union expenditure, reimbursement should be made directly to the individual. Under no circumstances should the affiliate make a payment directly to an individual’s personal credit card account.”

Violation Type:

Per AFSCME Constitution (2022 ed.) Article X (10) Section 2B:

“Misappropriation, embezzlement, or improper or illegal use of Union funds.”

This violation is classified as an illegal use of Union funds as personal charges on the affiliate’s credit card are strictly prohibited.

CHARGE NO. 03

Accused Party : Bro. Kalani Werner, UPW State Director

Allegation:

Personal charges were made on the UPW Union Credit Card for the airfare travel of the UPW State Director’s family member Mrs. Bernalyn Werner October 15, 2022. Mrs. Bernalyn Werner is not a member of the United Public Workers Union Local 646. This transaction was claimed to have been made by former UPW employee Mrs. Hauoli Kim at the direction of UPW State Director Kalani Werner. Mrs Hauoli Kim was also the Executive Secretary to the UPW State Director who was in charge of Air Travel bookings. Mrs. Hauoli Kim was separated from employment with UPW on November 01, 2022.

UPW Credit Card Account ending in 2102

<u>Transaction No.</u>	<u>Transaction Date:</u>	<u>Amount:</u>
273	10-15-22	\$158.60

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Violation:

AFSCME Financial Standards Code (2024 ed.) Article VII Expenditures –Documentation
Section 3 Paragraph 4

“ Personal charges on the affiliate’s credit card are strictly prohibited. If an officer, member, or employee uses their personal credit card for a valid union expenditure, reimbursement should be made directly to the individual. Under **no** circumstances should the affiliate make a payment directly to an individual’s personal credit card account.”

Violation Type:

Per AFSCME Constitution (2022 ed.) Article X (10) Section 2B:

“Misappropriation, embezzlement, or improper or illegal use of Union funds.”

This violation is classified as an illegal use of Union funds as personal charges on the affiliate’s credit card are strictly prohibited.

CHARGE NO. 04

Accused Party : Bro. Kalani Werner, UPW State Director

Allegation:

Personal charges were made on the UPW Union Credit Card for the airfare travel of the UPW State Director’s family member Mrs. Bernalyn Werner on November 09, 2022. Ticket # 00621655887333. Mrs. Bernalyn Werner is not a member of the United Public Workers Union Local 646. This transaction was made by an unknown authorized user that has not yet been identified as of the date of this letter.

UPW Credit Card Account ending in 2102

<u>Transaction No.</u>	<u>Transaction Date:</u>	<u>Amount:</u>
324	11-09-22	\$308.60

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Violation:

AFSCME Financial Standards Code (2024 ed.) Article VII Expenditures –Documentation
Section 3 Paragraph 4

“Personal charges on the affiliate’s credit card are strictly prohibited. If an officer, member, or employee uses their personal credit card for a valid union expenditure, reimbursement should be made directly to the individual. Under no circumstances should the affiliate make a payment directly to an individual’s personal credit card account.”

Violation Type:

Per AFSCME Constitution (2022 ed.) Article X (10) Section 2B:
“Misappropriation, embezzlement, or improper or illegal use of Union funds.”

This violation is classified as an illegal use of Union funds as personal charges on the affiliate’s credit card are strictly prohibited.

Supplemental and Pertinent Information

In relation to Charges No. 02, 03 and 04 there were two cashier’s checks that were submitted by UPW State Director Kalani Werner on behalf of Mrs. Bernalyn Werner for reimbursement of charges that were made on the UPW State Directors Credit Card: the first cashier’s check #448883 was paid to UPW on November 10, 2022 in the amount of \$1457.21 and the second Cashier’s check # 504231 was paid to UPW on April 11, 2024 in the amount of \$1148.61.

The difference in the amounts for both these cashier’s checks equates to \$308.60 which is the exact amount in Charge No.04 regarding the credit card transaction made in November 09, 2022 that was not disclosed in a previous records request meeting on April 26, 2024.

There was also an attempt to provide a refund check# 43071 to Mrs. Bernalyn Werner on May 31, 2024 in the amount of \$1148.61 as an overpayment for cashier’s check # 504231 which was signed by UPW State President Darrell Wilcox.

In conclusion, on April 12, 2024 a UPW State Executive Board meeting was held in which UPW State Director Kalani Werner stated that he took full responsibility for the personal charges on the UPW Credit Card.

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These charges are brought forward in good faith that in keeping with our fiduciary duty to protect the moral and financial integrity of our United Public Workers Union.

In Solidarity,

A handwritten signature in black ink, appearing to read 'Valoaga Moananu', written over a horizontal line.

Valoaga "Junior" Moananu
UPW State Secretary- Treasurer
United Public Workers
AFSCME Local 646 AFL-CIO

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Section 52. All elections of officers and delegates in subordinate bodies shall be subject to the provisions of Appendix D of this Constitution.

Section 53. Each elected officer of each subordinate body shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of this Constitution.

Section 54. This Constitution shall constitute a contract between the American Federation of State, County and Municipal Employees and each of its subordinate bodies individually. All subordinate bodies shall at all times be subject to the provisions of the International Constitution.

ARTICLE X

Judicial Procedure

Section 1. Except as hereafter provided in this Article, any member of the Federation may file charges against any individual for actions taken while a member of the Federation or while a staff employee of the Federation or a subordinate body.

Section 2. The following and no other shall constitute the basis for the filing of charges:

A. Violation of any provision of this Constitution or of any officially adopted and approved constitution of a subordinate body to which the member being accused is subject.

B. Misappropriation, embezzlement, or improper or illegal use of union funds.

C. Any action by any officer or employee of any council which results in the expenditure by said council of money which is the property of any other subordinate body or of the International Union

without proper written authorization from the body which is the owner of such funds.

D. Acting in collusion with management to the detriment of the welfare of the union or its membership.

E. Any activity which assists or is intended to assist a competing organization within the jurisdiction of the union.

F. Refusal or deliberate failure to carry out legally authorized decisions of the International Convention, the International President, the International Executive Board, the Judicial Panel, or of the convention or executive board of a subordinate body of which the accused is a part.

G. Willful violation of a legally negotiated and approved collective bargaining agreement.

H. Using the name of the Federation or of a subordinate body in an unauthorized manner or for an unauthorized purpose.

I. Obtaining membership through fraud or misrepresentation.

J. Deliberately interfering with any official of the Federation or of a subordinate body in the discharge of such official's lawful duties.

K. The solicitation or acceptance of a bribe or the acceptance of any gift of more than nominal value from any employer, member, group of members or employee of the union, or from any person or firm which has or is seeking to establish a business relationship with the Federation or any subordinate body.

L. Conviction of a crime, the nature of which is such as to bring the union as an organization into disrepute.

M. Knowingly submitting a false per capita tax or other financial or audit report to the International Union or any subordinate body or knowingly and intentionally making any false financial report or

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statement to any lawfully constituted body at any level of the union.

Section 3. Charges against an individual for actions taken in such individual's capacity as a member, a local union officer, or a local union staff employee shall be filed with and heard by the local union trial body in the local of which the accused was a member at the time of the alleged actions, with the exceptions provided below. Charges against an individual for actions taken in such individual's capacity as a council officer, a council delegate or a council staff employee shall be filed with and heard by the council trial body in which the accused was an officer, delegate or staff employee at the time of the alleged actions, with the exceptions provided below. Charges against an International officer or International staff employee shall be filed with and heard by the Judicial Panel, as hereinafter provided. Charges against an officer or staff employee of a subordinate body, who, at the time such charges are filed, is under suspension by the International President under the provisions of Article V, Section 13 of this Constitution, and charges against a member who has been removed as an officer or staff employee during an administratorship of said subordinate body, which administratorship is in effect at the time such charges are filed, shall be filed with and heard by the Judicial Panel in the same manner as appeals to the Judicial Panel.

Section 4. Any charges filed against the International President, the International Secretary-Treasurer, or the Chairperson of the Judicial Panel must be filed by vote of the membership of ten local unions, or a council representing at least ten local unions, or by any member of the International Executive Board.

Section 5. Any charge filed against an International Vice President in the capacity of an International Vice President must be filed by vote of the membership of five local unions in the Legislative District which the International Vice President represents or of one-third of the total number of locals in said District when such District includes fewer than fifteen local unions or by a council made up of at least five local unions in said District, or by any member of the International Executive Board.

Section 6. Charges shall be in writing and shall be signed by the member or members bringing the charges. The charges shall be specific, citing in detail the nature, the date, and the circumstances of the alleged offense and, where a violation of a constitutional provision is alleged, the specific Section shall be cited, along with the specific act or failure to act which constitutes the alleged violation. The charges shall be filed with the secretary of the trial body or, if the secretary of such trial body is a directly interested party, with the presiding officer of the trial body.

Section 7. The trial body at the local union level shall consist of the local executive board, unless the local constitution provides otherwise. Any directly interested party shall be disqualified, and the presiding officer of the trial body shall then appoint a disinterested member to serve instead.

Section 8. The trial body at the council level shall consist of the council executive board, unless the council constitution provides otherwise, subject to the qualifications herein provided. Any directly interested party shall be disqualified, and the presiding officer of the trial body shall then appoint a

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disinterested member to serve instead. Any council trial body of any council having jurisdiction over a state-wide area may, by majority vote of the council trial body, appoint a subcommittee to conduct the trial. In such cases, however, the subcommittee shall report in writing to the full membership of the trial body who shall then make the decision and assess the penalty, if any.

Section 9. Charges originating at the Judicial Panel level or charges reaching the Judicial Panel as a result of the exercise of the appeal rights set forth in this Article shall be filed with the Chairperson of the Judicial Panel, unless a member of the Judicial Panel is either the person bringing the charge or the accused person, in which case they shall be filed with the International President.

Section 10. Within fifteen days following the receipt of the charges, the person with whom the charges have been filed shall send by email or certified mail (return receipt requested) an exact and full copy of the charge to the accused party, together with a copy of Article X of this Constitution and an explanation of the trial procedure to be followed.

Section 11. The trial body shall fix the date, time, and place for the trial, in such manner as to afford the maximum convenience to both the accused and the accuser practical under all the circumstances. Except as otherwise specifically provided in this Constitution, it shall not be necessary to maintain a verbatim record of the trial unless request for such record is made by a directly interested party to the proceedings. If such request is made, the party making it shall be responsible for the cost of such record and of three copies of the transcript, one of

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which shall be furnished to the trial body and one to the opposing party. The reporter shall attach an affidavit to each copy of the transcript stating that it is a true and accurate record of the evidence taken at the trial.

Section 12. The accused person shall be guaranteed the following rights:

A. The right to be served personally with, or to have forwarded by email or certified mail (return receipt requested) to the accused person's current address of record with the local union a full copy of the charges within fifteen days after they are filed and to receive a copy at least thirty days before the trial date.

B. The right to file a written answer to the charges.

C. The right to be tried within sixty days after having been personally served, or sixty-three calendar days after having been forwarded, a copy of the charge(s) as provided in Subsection A of Section 12 of this Article.

D. The right to have at least fifteen days' advance notice of the date, time, and place of the trial.

E. The right to confront the accuser.

F. The right to cross-examine the accuser and any witnesses.

G. The right to present witnesses in the accused person's behalf.

H. The right to compel the production of union records pertinent to the case.

I. The right to choose a person to act as the accused person's counsel in the case.

J. The right to be presumed innocent unless proven guilty.

K. The right to refuse to testify; provided, however, that this right shall not include the right to refuse to produce at the trial any papers, books, or

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financial or other records which are the property of the union and which are pertinent to the case.

L. The right to appeal, in the manner hereafter provided.

M. The right to choose either an open or closed hearing.

Section 13. The person bringing the charge shall be guaranteed the following rights:

A. The right to receive a copy of any written answer to the charge which may be filed by the accused at the time such answer is filed.

B. The right to have the initial trial body convened no later than seventy-eight calendar days after the charge(s) have been filed.

C. The right to have at least fifteen days' advance notice of the date, time, and place of the trial.

D. The right to give personal testimony.

E. The right to present the testimony of others and to cross-examine witnesses presented by the accused.

F. The right to compel the production of union records pertinent to the case.

G. The right to choose a person to act as the charging party's counsel in the case.

H. The right to appeal, in the manner hereafter provided.

Section 14. The person bringing the charge shall be under the following obligations:

A. To file the original charge in sufficient detail as to afford the accused person full opportunity to prepare a defense.

B. To appear in person at the trial.

C. To assume the burden of proof.

Section 15. A trial body may, if it finds the accused person guilty, assess any one or more of the following penalties:

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A. A formal reprimand, accompanied by a formal warning against any repetition of the act or acts of which the accused is found guilty.

B. A fine in an amount not to exceed one year's dues, to be paid to the union at the level at which the charges originate.

C. Full or partial restitution, where the consequences of the offense can be measured in material terms.

D. Removal from office in the union at the level at which the charges originate.

E. Suspension from the right to hold any elected position at the level at which the charges originate for a period not to exceed four years.

F. Suspension from the right to hold or seek any elected position at any level of the union for a period not to exceed four years.

G. Suspension from membership for a specified period of time, not to exceed two years.

H. Expulsion from membership.

I. Suspension from employment by the Federation or its subordinate bodies.

J. Removal from employment by the Federation or its subordinate bodies.

Any individual who has been suspended, expelled or removed as provided in paragraphs E, F, G, H, I, or J, above, may not, during the period of such penalty, be employed in any capacity by the International Union or any subordinate body.

Section 16. If the charges are not sustained, and the trial body or the appellate body is convinced that the charges were not brought in good faith or were actuated by malice, the trial body or the appellate body may impose such penalty on the charging party as in its judgment is deemed proper under the circumstances. In any case, the party against whom the penalty is imposed shall have the right to appeal

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the imposition of the penalty in the manner provided for other appeals, beginning at the level immediately above the trial or appellate level at which the penalty was imposed, and no such penalty shall take effect while an appeal of such penalty is pending.

Section 17. The decision of a local union trial body may be appealed by either party to the council trial body, if the local is affiliated with a council. In any case where a local union is not affiliated with a council, the decision of the local union trial body may be appealed to the Judicial Panel. Decisions of a council trial body, whether sitting as an original trial body or as an appellate trial body, may be appealed to the Judicial Panel. Decisions of the Judicial Panel may be appealed to the full Judicial Panel and decisions of the full Judicial Panel may be appealed to the International Convention for final resolution.

Section 18. All decisions must be rendered by the trial body within thirty days following completion of the trial, except by mutual consent of the accuser and the accused; provided, however, in cases where a council trial body subcommittee has been authorized to conduct the trial in accordance with Article X, Section 8 of this Constitution, decisions must be rendered by the council trial body within fifteen days following the report of the council trial body subcommittee to the council executive board; and provided further, that such council trial body subcommittee shall issue its report to the council executive board not later than the next meeting of the council executive board following completion of the trial. Such decision shall be in writing and shall be transmitted by email or by certified mail (return receipt requested) to the person bringing the charge and to the accused simultaneously.

ARTICLE X

Section 19. Either party may, within thirty days following the date of the decision, file an appeal to the next higher trial body in the same manner as is provided for the filing of original charges with such trial body. The appeal shall be in writing, and shall be accompanied by a copy of the original charge and of the decision which is being appealed. The appeal shall set forth in substance the appellant's reasons for believing the trial body was in error and the nature of the error. Appeals to the International Convention shall be postmarked or submitted electronically within thirty days following the date of the full Judicial Panel decision.

Section 20. Where the appeal is to a council trial body, the council trial body shall proceed, in the manner described for the hearing of original charges, to hear such appeal; provided, however, that the council trial body may, in its discretion, hear the appeal on the record established at the local union level or as a new case.

Section 21. In any case where a local union trial body or a council trial body fails or refuses to carry out its responsibilities under this Article or, except by mutual consent, expressed in writing, of the accuser and the accused, to adhere to the time limits set forth in this Article, either party shall have the right to appeal to the next higher trial body; provided, however, that under unusual circumstances, which shall be clearly set forth and made a part of the trial record, a trial body may, by majority vote of all its members, extend the time limits for the holding of a trial not to exceed thirty days.

Section 22. Decisions of trial bodies at all levels shall be in full force and effect from the date of the decision until and unless reversed or modified by an

ARTICLE XI

appellate body at a higher level; provided, however, that except in matters subject to Section 16 of this Article, any appellate body, upon receiving a notice of appeal, may order a delay in the carrying out of any penalty which has been assessed, pending its hearing and disposition of the appeal.

ARTICLE XI

The Judicial Panel

Section 1. As soon as practicable following the adoption of this language by the 1972 biennial convention, the International President shall, with the advice and consent of the International Executive Board, appoint a member of the Federation to serve as Chairperson of the Judicial Panel and eight other members of the Federation to serve as members of the Judicial Panel. As soon as practicable following final adjournment of the 2000 biennial convention, the International President shall, with the advice and consent of the International Executive Board, appoint two additional members of the Federation to serve as members of the Judicial Panel. Except as provided below, the terms of persons appointed to the Judicial Panel after the 1980 biennial convention shall be for three years. The terms of those members appointed in 1977 shall expire in 1980, and the terms of those members appointed in 1978 shall expire in 1981. Of those persons appointed to the Judicial Panel in 1980, three shall serve terms expiring in 1982 and three shall serve terms expiring in 1983. Of those persons appointed to the Judicial Panel to fill positions newly created in 2000, one shall serve a term expiring in 2002 and one shall serve a term expiring in 2003. At any general meeting of the International