



## **Federal Police Officers of Hawaii and Affiliates**

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### **Standard Operating Procedure #2**

#### **Union Members and Officers Standards of Conduct**

**PURPOSE:** The FPHA Union Members and Officers Standards of Conduct is used to educate both Members and Officers of their rights and responsibilities of membership and holding office. Having clear guidelines which provide Members and Officers with Standards of Conduct will ensure fair and equitable representation of Members and appropriate support of Officers.

**APPLICABILITY:** This SOP applies to all dues paying Members of the Federal Police Officers of Hawaii and Affiliates, all Officers elected or appointed into an office representing the Federal Police Officers of Hawaii and Affiliates, and all contractors, vendors, or similar affiliates hired by the Federal Police Officers of Hawaii and Affiliates as its designated representative.

**ENFORCEMENT:** The guidelines in this Standard Operating Procedure is enforceable under the Bylaws of the Federal Police Officers of Hawaii and Affiliates, Part VIII §1(a)(6); the Fair Labor Standards Act of 1938 as amended, and the Civil Service Reform Act of 1978 as amended.

#### **DEFINITIONS:**

**Member:** A member is defined as one who is eligible for membership pursuant to Article V, Section 1 of the FPHA Constitution and who has remitted within sixty (60) days following the beginning of the fiscal year, the total amount of dues payable as a cash payment, or one who has notified the FPHA of an intention to remit the total amount of dues payable pursuant to the payroll allotment/dues withholding program.

**Officer:** An officer is defined as one who is a member of the Federal Police Officers of Hawaii and Affiliates and who is elected or appointed to a position of trust and confidence in accordance with the FPHA Part VII and VIII to act or speak on behalf a members of the FPHA.

#### **UNION MEMBER RIGHTS:**

**Bill of Rights - Union members have:**

- equal rights to participate in union activities
- freedom of speech and assembly
- voice in setting rates of dues, fees, and assessments
- protection of the right to sue
- safeguards against improper discipline

**Collective Bargaining Agreements -** Union members (and certain nonunion employees) have the right to receive or inspect copies of collective bargaining agreements.

**Constitutions, Bylaws, and Reports** - Unions are required to file an initial information report (Form LM-1), copies of constitutions and bylaws, and an annual financial report (Form LM-2/3/4) with OLMS. Unions must make these documents available to members and permit members to examine the records necessary to verify the financial reports for just cause. The documents are public information and copies of reports are available from OLMS and on the Internet at [www.union-reports.dol.gov](http://www.union-reports.dol.gov).

**Officer Elections** - Union members have the right to:

- run for office
- cast a secret ballot
- protest the conduct of an election
- nominate candidates for office

**Officer Removal** - Local union members have the right to an adequate procedure for the removal of an elected officer guilty of serious misconduct.

**Trusteeships** – A union may not be placed in trusteeship by a parent body except for those reasons specified in the standards of conduct regulations.

**Protection for Exercising CSRA Rights** - A union or any of its officials may not fine, expel, or otherwise discipline a member for exercising any CSRA right.

**Prohibition Against Violence** - No one may use or threaten to use force or violence to interfere with a union member in the exercise of his or her CSRA rights.

### **UNION OFFICER RESPONSIBILITIES:**

**Financial Safeguards** - Union officers have a duty to manage the funds and property of the union solely for the benefit of the union and its members in accordance with the union's constitution and bylaws. The union must provide accounting and financial controls necessary to assure fiscal integrity.

**Prohibition of Conflicts of Interest** – A union officer or employee may not (1) have any monetary or personal interest or (2) engage in any business or financial transaction that would conflict with his or her fiduciary obligation to the union.

**Bonding** - Union officers or employees who handle union funds or property must be bonded to provide protection against losses if their union has property and annual financial receipts that exceed \$5,000.

**Labor Organization Reports** - Union officers must:

- file an initial information report (Form LM-1) and annual financial reports (Forms LM-2/3/4) with OLMS.
- retain the records necessary to verify the reports for at least five years.

**Officer Elections - Unions must:**

- hold elections of officers of local unions by secret ballot at least every three years.
- conduct regular elections in accordance with their constitution and bylaws and preserve all records for one year.
- mail a notice of election to every member at least 15 days prior to the election.
- comply with a candidate's request to distribute campaign material.
- not use union funds or resources to promote any candidate (nor may employer funds or resources be used).
- permit candidates to have election observers.

**Restrictions on Holding Office -** A person convicted of certain crimes may not serve as a union officer, employee, or other representative of a union for up to 13 years.

**Loans -** A union may not have outstanding loans to any one officer or employee that in total exceed \$2,000 at any time.

**PROHIBITED ACTIONS:**

**Disenrollment:** no Member or Officer shall encourage other Members of the Union to cancel their membership or discourage membership with the FPHA. This does not limit Members or Officers from voicing concerns or grievances against the Union.

**False Identity:** no Member shall present themselves as an Officer of the Union unless duly appointed or elected into such position in accordance with Part VII and VIII of the FPHA Chapter Bylaws.

**False Statements:** no Member or Officer shall make false statements to the Union with the intent to deceive or mislead Members or Officers. No Members or Officers shall make false statements about the Union with the intent to discredit, disrupt, or deprive the Union of its ability to conduct day to day operations.

**Government Equipment:** no Member or Officer shall use government equipment (i.e. phones, computers, fax machines, etc.) to conduct Union business unless expressly authorized by the Collective Bargaining Agreement or the assigned supervisor.

**Information Release:** no Member or Officer will release internal Union information to non-Union members unless expressly authorized by the President of the Union or his/her designee.

**Misconduct:** no Member or Officer shall conduct themselves in a manner which may bring discredit upon the Union or create a breach of trust among the Union Members.

**Official Time:** no Member or Officer shall conduct any Union business while on government time or government property unless the Member or Officer is granted Official Time from his/her respective supervisor. Additionally, Official Time will not be used to conduct internal union business.

**Political Activity:** no Member or Officer shall engage in any political activity under the color of the Union unless given consent by the President or his/her representative. This includes making political statements or demonstrations while displaying paraphernalia of the Union.

**Reasonable Prohibited Acts:** no Member or Officer shall engage in any act to which a reasonable Member or Officer having no knowledge of labor laws, rules, and regulations would deem prohibited.

**Recruitment:** no Member or Officer shall use force, threat of force, or any other type of coercion to recruit eligible members of the bargaining unit.

**Representation:** no Officer of the Union will refuse representation to any employee within the Bargaining Unit.

**SEVERABILITY:** This Standard Operating Procedure will remain in effect until it is replaced or rescinded by written notice of the President of the Union.

**LIMITATIONS:** Nothing in this Standard Operating Procedure will limit or restrict any Member or Officer from rights and obligations under statute, rule, or regulation from Higher Authority, even if imposed after the date this SOP is signed. Additionally, nothing in this SOP restricts subordinate units from adding to this SOP so long as it does not detract from this SOP or and statute, rule, or regulation.

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