DISCIPLINE TRAINING

TO FAMILAIZE AMVETS ON THE PROCESS AND PROCEDURES FOR FILING A GRIEVANCE

AMVETS DISCIPLINE PHILOSOPHY

- The Amvets discipline procedures are designed to balance the members individual rights with the need for good order within our organization, while also allowing for the correction of inappropriate behavior
- Members do not forfeit their constitutional rights when they join or when they violate our standards.
- They maintain the right to face their accuser and they have the right against self incrimination.
- Members cannot be disciplined without due process and punishment can only be administered following a finding of guilt at a hearing.
- A primary discipline objective is that each Post will be the judge of its own membership

Employee Discipline

- Discipline of employees is covered by State and Federal Statutes which are included in the Department of Florida Personnel Policy.
- All matters involving employees will be handled in accordance with the Personnel Policy

Types of Grievances

Category A – for serious offenses

Category B – For violations against House Rules

CATEGORY A

- Filed within 45 days of Discovery
- Against an AMVET – heard by Post Executive Committee
- Against subordinate organization or member of another post – Department Commander will forward to appropriate Post Commander or Department Subordinate Organization
- Against Post Commander – Forwarded to Department Commander
- If found guilty – member may be suspended or expelled from AMVETS

CATEGORY B

Filed within 15 days of incident

Applys to ALL members with canteen privileges

No matter which subordinate organization or Post the member belongs to

If accused is Ladies Aux or Son, the charges are processed by Post Commander

If accused is AMVET from another Post, charges are handled through the Department Commander to the Post Commander the member belongs to

Maximum punishment is permanent denial of canteen privleges

GRIEVANCE PROCEDURES

Begins when one member charges another

Charges must be notarized and filed with the Commander.

Hearing authority determines if charges are valid

If not valid, member is notified that charges will not be filed

If found to be frivolous, accuser can be charged with a category A charge

If accuser is from another post, charges will go through the Department Commander to the Commander of the post the member belongs to

GREIVANCE PROCEDURES CONT’

Commander determines if suspension pending the hearing is warranted

Notice of hearing and formal charges sent to accused via certified letter return receipt requested within 5 days of receipt of charges

Letter must contain:

- The specific charge
- Specifications relating to the specific charge
- The category of the charge
- The date, time and place of hearing

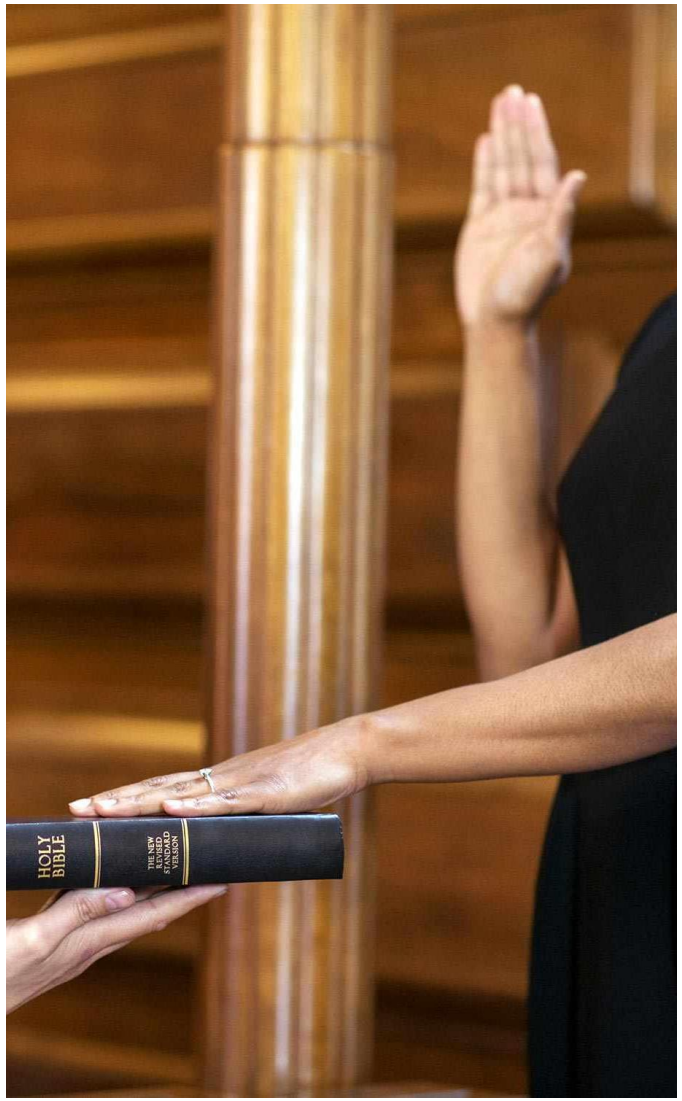
GRIEVANCE COMMITTEE

The Post Executive Committee or the Department Executive Board, consisting of a minimum of five (5) members, shall hear the charges

If Category A – members must be from the Post Executive Committee

If Category B – members should not be from the Executive Committee

If there is an objection to a question, the Presiding Officer of the committee shall decide as to the relevancy of evidence and the regularity of the proceedings.



HEARING

- Post JA acts as prosecutor
- Representative speaks for accused
- Witnesses only allowed in hearing while being questioned
- Committee left alone during deliberations
- Deliberations are secret and will not be recorded
- Committee determines quilt or innocence
- Two-thirds vote required to determine guilt
- If found guity the Committee determines the punishment

HEARING CONT’

JA and accused notified of findings

Accused officially notified in writing of the results and their right to appeal

Committee makes results available to membership and recommends punishment

APPEALS

- Reserve to ensure members rights have not been abused
- Based on a procedural errors in the proceedings that affects the rights of the member
- Not designed to rehear the case
- Member must specify the procedural errors that may have led to the violation of their rights

APPEALS CONT’

- Referred to a level above the original hearing
- Must be filed within 15 days
- Category A offense appeals - filed with the Department Executive Director
  - Department Commander and Department JA provides recommendation to Grievance Committee
  - Committee decision is final

APPEALS CONT’

- Category B offense appeals - filed with the Post Commander, to be handled by the Post Executive Board
  - Post Commander refers appeal to Post Executive Committee
  - Committee decision is final

APPEALS CONT’

Committee votes to determine

- the charges and punishment on appeal shall be upheld
- The charges are upheld and the punishment reduced
- Charges and punishment are not upheld

A 2/3 vote of the committee is required to sustain the charges and punishment on appeal

Committee cannot increase the punishment

SUSPENSION OF MEMBERSHIP AND MEMBERSHIP PRIVILEDGES

- Tools Commanders use to help maintain good order in the Post
- These are not punishment
- Intended to protect the accused and the membership
- Punishment can only occur after a finding of guiley at a hearing
- Suspensions can only be imposed after the Commander receives notarized charges and determines they are valid
- Commanders should use discretion when imposing suspensions prior to hearing
- Can only last from time of notification to the hearing

SUSPENSION OF MEMBERSHIP AND MEMBERSHIP PRIVILEGES CONT’

Category A offense

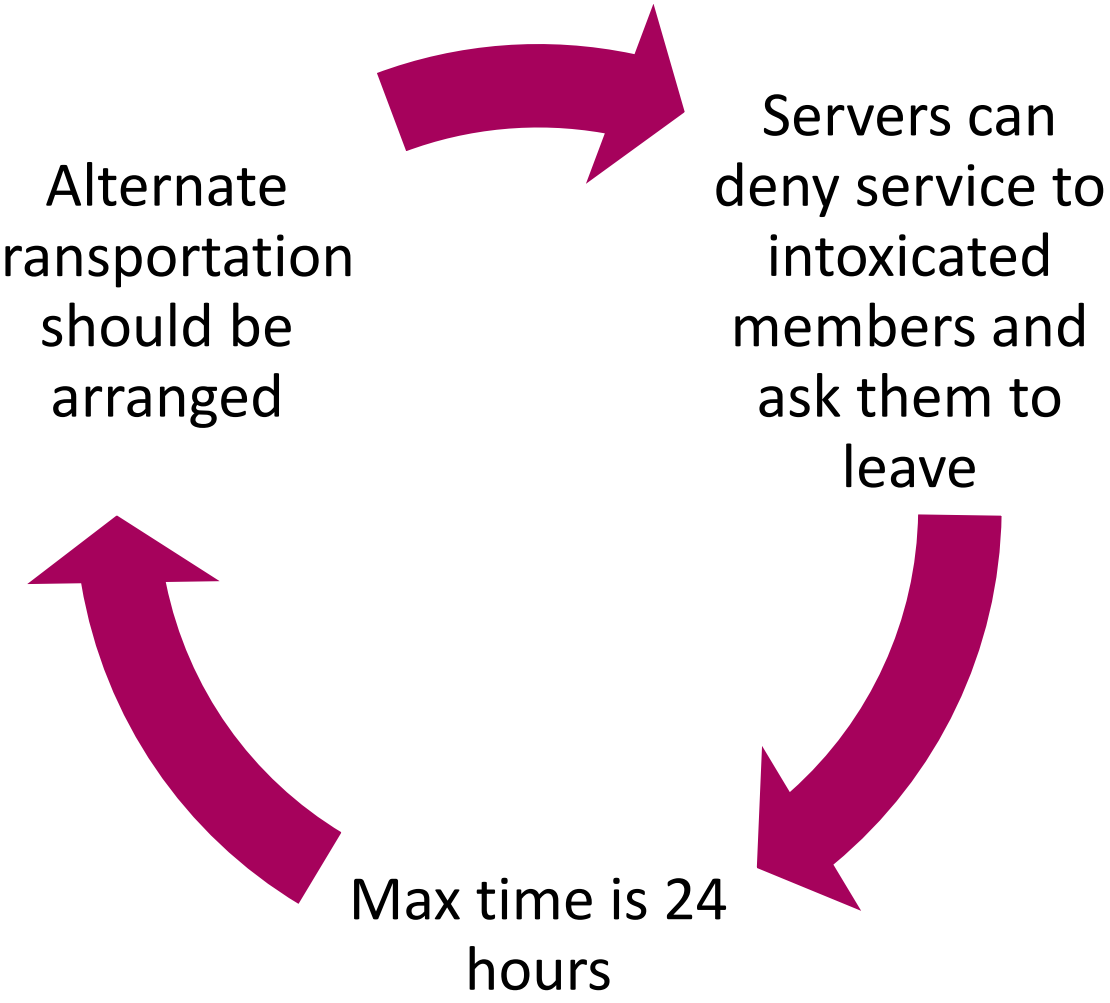
- Suspension pending hearing
- Not allowed on post property except hearing
- Violation is considered trespassing

SUSPENSION OF MEMBERSHIP AND MEMBERSHIP PRIVILEGES CONT’

Category B offense

- Suspension of canteen priviledges
- Can participate in Post functions
- Cannot be signed in as a guest

SUSPENSION OF MEMBERSHIP AND MEMBERSHIP PRIVILEGES CONT’



SPECIAL CIRCUMSTANCES

Certain circumstances may require a modification to the normal procedures to ensure a fair conclusion to discipline matters

CHARGES OF A CRIMINAL NATURE

Commanders work with law enforcement

Procedures should run in concert with criminal proceedings

Delay hearings until the conclusion of any legal actions

Use court findings during grievance

COMMANDER AS ACCUSER

Gives notarized charges to 1st Vice

Removes himself/herself from all decisions regarding the case

1st Vice assumes responsibilities of Commander for this case

Handles case without influence, input or consultation from the Commander

JUDGE ADVOCATE NOT AVAILABLE

Commander appoints AMVET to assume the responsibilities for this case only

Member must be a member of the Post

Cannot appoint a member of another Post to act as JA

EXECUTIVE COMMITTEE NOT AVAILABLE

Commander appoints other AMVET members

CHARGES AGAINST POST COMMANDERS

Handled at Department Level

Notarized charges are sent to the Department Commander

CHARGES AGAINST SUBORDINATE MEMBER

Commander forwards charges to Department Commander

Department Commander forwards to appropriate Subordinate Organization

CHARGES FILED BY SUBORDINATE MEMBER

Category A charges cannot be filed against an AMVET by a subordinate organization member

Subordinate organization members can file charges for violation of House Rules

RECORD KEEPING

Keep written records

Communicate in writing with the accused and accuser

Investigation results in writing

Include a timeline with dates and times of all conversations and actions

Maintain records securely for a minimum for two years following the end of all appeals

TIMELINESS OF ACTIONS

Commander has 5 days to take action on all charges

Determine validity of charges and take action within those 5 days

Minimum of 30 days required before a hearing can take place

Settle matters in a timely manner

To delay discipline is not conducive to good order and discipline

Commanders are accountable for excess delays

Delaying due to pending criminal proceedings is allowed

STATUTE OF LIMITATIONS

Category A – 45days of discovery

Category B – 15 days of occurrence

MEMBER IN GOOD STANDING

Members who are fully paid up in all accounts with no charges pending against them

Only members in good standing can charge other members

RETALIATION

NOT TOLERATED

SUBORDINATE ORGANIZATIONS

- Actions will be observed by the Post of AMVETS to which the organization belongs to
- Suspended members cannot be signed in as quest

Conclusion

AMVETS Discipline Philosophy

Types of Grievances

Grievance Procedures

Suspension of Membership and Membership Privileges

Special Circumstances

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