

## **PEF CODE OF ETHICS**

In 1980, the Executive Board adopted a Code of Ethics. Recommended by the PEF Ethics Committee, the Code includes a mechanism to deal with violations of the *PEF Code of Ethics*, as well as violations of the PEF Constitution, Special Rules of Order, and PEF policy, as set forth herein.

### **ETHICS VIOLATIONS**

PEF's elected officials and members may be charged with:

1. A violation of the PEF Constitution and Special Rules of Order;
2. A violation of the PEF Code of Ethics;
3. A violation of the Guidelines for PEF E-Mail accounts;
4. A violation of PEF policy related to financial matters including but not limited to the PEF policy on Personal Gifts and Gratuities, or the PEF policy on Purchase and Distribution of Giveaways to PEF Members by PEF Elected Officials;
5. A violation of the PEF Professional Conduct Policy, or;
6. For elected officials, a violation of the Code of Conduct for PEF Elected Officials.

### **CODE OF ETHICS**

1. No member<sup>1</sup> shall use the PEF name or logo for anything other than official PEF business.
2. Only official PEF literature shall be posted on PEF bulletin boards provided under contractual rights by the collective bargaining agreement with the employer.
3. Only official PEF business shall be conducted at meetings arranged in the name of PEF. Meeting space at PEF operated properties shall be allocated in a fair and equitable manner.
4. No member shall commence litigation concerning a union matter against PEF or any of its officers, Executive Board members, or members without first seeking redress from the Executive Board or its duly appointed committee(s).
5. All members shall conduct themselves in a manner that is conducive to fairness and fair play working only for the good and welfare of the membership.
6. No official PEF letterhead, PEF publication, PEF Internet website (including but not limited to Divisional and Regional websites, Facebook pages, etc.), or any other PEF electronic media, shall be used to endorse a PEF member for union election.

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<sup>1</sup> As used in the PEF Code of Ethics herein, the term "member" shall include elected officials.

7. No official PEF letterhead, PEF publication, PEF Internet website (including but not limited to Divisional and Regional websites, Facebook pages, etc.), or any other PEF electronic media, shall be used to make an accusation against another PEF member which is defamatory.
8. No Steward shall be denied the opportunity to have a PEF meeting convened to deal with issues of interest to that Steward or his/her constituency.
9. No member shall bring charges of a malicious or frivolous nature against another member.
10. No member shall engage in corrupt or unethical practices by taking money, books, records, or other property belonging to PEF or its Divisions, Committees or Regions. The unauthorized destruction, alteration, or mutilation of records, vouchers, or receipts, will constitute a violation of this Code.
11. No member shall abridge the rules and procedures adopted by the PEF Convention or Executive Board, violate an oath of office, nor disclose information obtained in Executive Session.
12. No member shall engage in corrupt practices or racketeering concerning a union matter.
13. No elected official shall engage in dual unionism or advocate secession from PEF.
14. No member shall harass or assault another PEF member at a union meeting or event; and no member shall engage in discrimination or bigotry toward another PEF member concerning a union matter.
15. If a member is convicted in a court of law or enters into a plea bargain agreement for misuse or misappropriation of PEF monies; or if PEF obtains a civil judgment against a member for the misuse or misappropriation of PEF monies; or as part of a settlement agreement between PEF and the member, the member agrees to reimburse PEF for monies improperly obtained or disbursed; or if a court, tribunal, agency, board, administrative or regulatory body, finds that a member engaged in frivolous, malicious, vexatious, defamatory, or abusive conduct towards PEF or any of its members concerning a union matter, and the time to appeal such finding has expired, PEF's Secretary-Treasurer (or President if the Secretary-Treasurer is a party to such conviction, judgment, settlement agreement or finding) shall be informed of the conviction, judgment, settlement agreement or finding. The Secretary-Treasurer (or President as the case may be) may file charges on behalf of PEF against the member with the Ethics Committee. Nothing herein should be construed to discourage legal action taken in good faith. This paragraph shall not preclude other members in good standing from filing charges with the Ethics Committee against a member for the alleged misconduct set forth in this paragraph.

#### COMMITTEE ON ETHICS AND RESPONSIBILITY

To enforce the provisions of this Code, the President shall appoint five members in good standing to the Committee on Ethics and Responsibility (Ethics Committee). The President will appoint one Ethics Committee member to serve as Chair. The Ethics

Committee will decide cases based only on the submission of evidence (documents, recordings, videos, etc.) in Executive Session with no oral testimony from parties or witnesses. The Ethics Committee will then render a written decision, which may include sustaining, dismissing, or referring the case to the President for a hearing before a Hearing Panel. A quorum consisting of at least three Ethics Committee members shall be required to consider and render a decision on charges; all decisions will be by majority vote.

## **PROCEDURE**

### **A. Charges**

Charges may only be initiated by members in good standing. The written charges must be legible and specific, and filed on a form provided by the Ethics Committee. This form shall be signed by the Petitioner (charging party) and notarized. The form shall contain:

1. Name and home address of the Petitioner.
2. Name and home or work address (if known) of the Respondent.
3. A specific citation of the Code of Ethics violation must be listed by number and/or specific paragraph of the Constitution and/or PEF policy (listing the name and precisely citing the exact language are recommended).
4. A clear and concise statement of the facts surrounding the allegations, to include the date and place of occurrence as well as the date of discovery of the allegation. The names of witnesses should be identified, and their notarized statements included. Provide all necessary written and verbal evidence (documents, witness statements, recordings, text messages, videos, etc.) to substantiate the charge. The burden for producing evidence and investigating the issues rests with the Petitioner.

### **B. Filing**

The Ethics Petition shall be filed, by mail or personal delivery, with the PEF Executive Department Paralegal, or equivalent position within the Executive Department, at PEF Headquarters. The PEF Executive Department Paralegal shall refer the case immediately to the Chair of the Ethics Committee. Charges must be filed no later than 60 days after the charging party discovers the alleged violation. If a charge is filed against a group, each member of that group must be named in the charge and must be notified. The date of filing shall be the date of the postmark or the date of hand delivery as evidenced by a signed receipt. Emails or facsimiles of Petitions shall not be accepted.

The PEF Executive Department Paralegal, or equivalent position within the Executive Department, shall serve the Respondent(s) with a copy of the charges either personally or by certified mail, return receipt requested, directed to the last known home address of the Respondent. The Respondent shall have 20 days in which to respond if personally served. If the charges are served by mail, the 20 days to respond begin to run 7 calendar

days from the date of mailing, as shown by the date of postmark. The same time to respond applies in the event the document is undeliverable or refused. The Respondent's response must be filed, by mail or personal delivery, with the PEF Executive Department Paralegal at PEF Headquarters. Emails or facsimiles of the Respondent's response shall not be accepted. Copies of all correspondence from the Petitioner and Respondent shall be forwarded to the Ethics Committee for review and resolution. A copy of the Respondent's response will be sent to the Petitioner.

**C. Ethics Committee Review**

Meetings of the Ethics Committee will be held in Executive Session and all members of the Ethics Committee will have a duty to keep all matters confidential. The Ethics Committee will make every effort to meet within 60 days of receipt of the Petition to review and then decide each case. The Ethics Committee's decision shall be served on the parties either personally or by certified mail, return receipt requested. The Ethics Committee may:

1. **Dismiss the charges** if the Ethics Committee finds a lack of evidence to substantiate the Petition or procedural violation; or
2. **Sustain the charges and issue an Ethics decision** to the parties defining their responsibilities under the Code of Ethics, e.g. the Constitution, Code of Conduct, or PEF policy, if violations are found to be of a minor or technical nature.
3. If it finds substantial evidence of a more serious Ethics violation (see Ethics Violations 1 through 6), **refer the matter to the President for a hearing before a Hearing Panel** and issue an Ethics decision to the parties.
4. Only the Ethics Committee Chair shall be authorized to answer procedural questions raised by any party.
5. The Ethics Committee Chair must remove a committee member from consideration of a Petition should the Chair determine that a conflict of interest exists regarding such Petition.
6. The Ethics Committee Chair must recuse him/herself from consideration of a Petition should the Chair determine that a conflict of interest exists regarding such Petition. If the Ethics Committee Chair recuses him/herself, the PEF President will appoint an alternate Ethics Committee Chair (from the existing Ethics Committee members).
7. Ethics Committee decisions dismissing charges or sustaining charges found to be of a minor or technical nature are final and effective upon the expiration of the time to appeal such a decision. If the Ethics Committee decision is appealed to the Executive Board, the Ethics Committee Chair will prepare a written summary of the case to be presented to the Executive Board.

**D. Appeals to Executive Board**

1. Appeals of Ethics Committee decisions dismissing charges or sustaining charges found to be of a minor or technical nature may be brought to the Executive Board by any party to the Petition. Appeals may also be brought to the Executive Board by any party to the Petition from any Hearing Panel decision. All appeals must be filed, by mail or personal delivery, with the PEF Executive Department Paralegal at PEF Headquarters. The date of filing shall be the date of the postmark or the date of hand delivery as evidenced by a signed receipt. Emails or facsimiles of appeals shall not be accepted. The Appellant shall have thirty (30) days to appeal if the decision is personally served. If the decision is served by mail, the 30 days to appeal begins to run 7 calendar days from the date of the mailing, as shown by the date of postmark. The same time to appeal applies in the event the document is undeliverable or refused.
2. The appeal shall contain a concise statement of the facts that the Appellant feels warrants such an appeal, based only on information and evidence presented to the Ethics Committee, the Hearing Panel, or both.
3. A one-third (1/3) vote of the present and voting Executive Board members is required to hear the appeal. No member of the Ethics Committee, no witness, and no party to the appeal, shall vote on whether to hear an appeal from an Ethics Committee decision dismissing charges or sustaining charges found to be of a minor or technical nature. No member of the Hearing Panel that presided over the hearing, no witness, no member of the Ethics Committee and no party to the appeal, shall vote on whether to hear an appeal from the decision of the Hearing Panel. The Executive Board, upon one-third (1/3) vote of those present and voting, shall hear the appeal during the Executive Board session, provided that the Appellant postmarks the appeal within thirty (30) calendar days prior to the meeting.
4. If the Executive Board does not vote to hear the appeal, the decision is final.
5. Travel, Employee Organization Leave (EOL), and other expenses to attend the appeal will not be provided by PEF. Neither appeals nor postponements will be scheduled for the convenience of any party.
6. If the Executive Board votes to hear the appeal, the parties will have a maximum of ten minutes to provide in-person presentations to the Executive Board, unless the Board votes to provide extra time. If the Board votes to provide a party extra time, all other parties must be afforded the same allowance. A presenter must be a party or member in good standing asked by a party to present. While attorneys who are PEF members in good standing may present the case on behalf of the Appellant or Appellee, outside attorneys are not allowed to participate in the presentation. If a party has more than one presenter they must cumulatively remain within the total allotted time. Only information and evidence presented to the Ethics Committee, the Hearing Panel, or both, may be presented to the Board during such in-person presentations.
7. If the Executive Board votes to hear an appeal from an Ethics Committee decision **dismissing charges** it may, by a majority vote of the present and voting Executive Board members with the exception of the Ethics Committee members, witnesses, and parties to the appeal who shall not vote:

- a. sustain the Ethics Committee decision;
  - b. overturn the Ethics Committee decision and find that the allegations were of a minor or technical nature. In such case, the Executive Board shall recommend that the Ethics Committee Chair draft a decision defining the party's responsibilities under the Code of Ethics, e.g. the Constitution, Code of Conduct, or a specified covered PEF policy; or
  - c. overturn the Ethics Committee decision by finding substantial evidence of a more serious Ethics violation. In such case, the matter will be referred to the President for a hearing before a Hearing Panel.
8. If the Executive Board votes to hear an appeal from an Ethics Committee decision **sustaining charges** of a minor or technical nature it may, by a majority vote of the present and voting Executive Board members with the exception of Ethics Committee members, witnesses, and parties to the appeal who shall not vote:
- a. sustain the Ethics Committee decision;
  - b. overturn the Ethics Committee decision and dismiss the charges; or
  - c. overturn the Ethics Committee decision by finding substantial evidence of a more serious Ethics violation. In such case, the matter will be referred to the President for a hearing before a Hearing Panel.
9. If the Executive Board votes to hear an appeal from a **Hearing Panel** decision it may, by a majority vote of the present and voting Executive Board members with the exception of members of the Ethics Committee, members of the Hearing Panel that presided over the hearing, witnesses and parties to the appeal who shall not vote:
- a. sustain the Hearing Panel's decision;
  - b. amend the Hearing Panel's decision by vacating or mitigating any discipline;
  - c. overturn the Hearing Panel's decision by dismissing the Petition; or
  - d. remand the Hearing Panel's decision to the Hearing Panel for reconsideration with recommendation(s) from the Executive Board. Upon the Hearing Panel's reconsideration, either party may appeal to the Executive Board in accordance with this Code. If the Executive Board votes to hear the appeal, it may, by a majority vote of the present and voting Executive Board members with the exception of members of the Ethics Committee, members of the Hearing Panel that presided over the hearing and/or reconsideration, witnesses, and parties to the appeal who shall not vote: (a) sustain the Hearing Panel's decision; (b) amend the Hearing Panel's decision by vacating or mitigating any discipline; or (c) overturn the Hearing Panel's decision by dismissing the Petition.
10. A decision by the Executive Board shall be considered final.

**E. Hearing Panel**

1. Upon receipt by the President of a decision referred for a Hearing Panel, the President shall select five members and two alternates from the PEF Executive Board to preside at the hearing. Such selection shall be subject to confirmation by the Executive Board. The President shall appoint one Hearing Panel member to serve as Chair.

If the President is a party to the Petition, the Secretary-Treasurer shall select five members and two alternates from the PEF Executive Board, subject to confirmation by the Executive Board. If the President is a party to the Petition, the Secretary-Treasurer shall appoint one Hearing Panel member to serve as Chair.

If both the President and Secretary-Treasurer are parties, the Ethics Committee Chair shall select five members and two alternates from the PEF Executive Board, subject to confirmation by the Executive Board. If both the President and Secretary-Treasurer are parties, the Ethics Committee Chair shall appoint one Hearing Panel member to serve as Chair.

The alternates shall only attend the hearing if a vacancy occurs on the Hearing Panel. In the event of such vacancy, the Hearing Panel Chair shall select an alternate from the two alternates that have been confirmed by the Executive Board and such alternate shall preside at the hearing.

No party to the Petition, witness to the events at issue, or Ethics Committee member may be a member of the Hearing Panel.

The Hearing Panel Chair must remove a Hearing Panel member from consideration of a Petition should the Chair determine that a conflict of interest exists regarding such Petition.

The Hearing Panel Chair must recuse him/herself from consideration of a Petition should the Chair determine that a conflict of interest exists regarding such Petition. If the Hearing Panel Chair recuses him/herself, an alternate Hearing Panel Chair shall be appointed (from the existing Hearing Panel members).

2. At least one Petitioner must appear before the Hearing Panel or the case will be dismissed. The Petitioner(s) has the option to either present his/her own case or be accompanied by a PEF member in good standing to present on his/her behalf. The Respondent may appear before the Hearing Panel and with witnesses to answer the charges. The Respondent may select another PEF member in good standing to represent him/her in the presentation of a defense. The Respondent may present a defense in writing rather than personally appear. In the absence of a written or in-person defense, the hearing shall proceed. While attorneys who are PEF members in good standing may present the case on behalf of a Petitioner or Respondent, outside attorneys are not allowed to participate in the hearing.



3. The final witness list, if any, must be submitted to the Ethics Committee Chair by a party one week prior to the date of the hearing. If a party elects to have a member in good standing present on his/her behalf, the name of such member must be submitted to the Ethics Committee Chair by a party one week prior to the date of the hearing. Such witness list and name of member, if any, shall be distributed to all parties by the Ethics Committee Chair.
4. The hearing will be audio recorded by the Hearing Panel Chair, with a true and accurate audio copy provided to the parties upon request. Any other recording (video, audio, etc.) or reproduction is expressly forbidden by anyone present at the hearing, as the hearing is held in Executive Session. The official record of the hearing will be the Hearing Panel Chair's audio recording.
5. A full and fair hearing will be conducted with the Respondent afforded the right to question witnesses and examine any evidence presented by the Petitioner. Witnesses need not testify under oath.
6. Upon completion of the hearing, the Hearing Panel shall, by majority vote, decide on whether to sustain the charges in whole or in part. The Hearing Panel will make every effort to render its written decision within thirty (30) calendar days of the conclusion of the Panel's deliberations. The Hearing Panel's decision shall include a summary of the evidence presented and shall state the basis upon which the decision was made.
7. The Hearing Panel decision shall be served on the parties either personally or by certified mail, return receipt requested, to all parties.
8. If the charges, or any portion thereof, are sustained, the Hearing Panel shall render a decision and may impose discipline. Discipline may include, but is not limited to:
  - a. Require the guilty party or parties to conform to the Code of Ethics.
  - b. Direct a party to perform or restrain from specific acts.
  - c. Censure a party.
  - d. Deprive a party of specified PEF privileges for a specified time period.
  - e. Suspend a party from membership in PEF for a specified period of time.
  - f. Revoke a party permanently from membership in PEF.
  - g. Recommend removal from office in accordance with the PEF Constitution.
9. Judgments of the Hearing Panel are final and shall take effect upon the expiration of the time to appeal. All appeals must be filed, by mail or personal delivery, with the PEF Executive Department Paralegal at PEF headquarters. The Appellant shall have thirty (30) days to appeal if the decision is personally served. If the decision is served by mail, the 30 days to appeal begins to run 7 calendar days from the date of the mailing, as shown by the date of postmark. The same time to appeal applies in the event the document is undeliverable or refused. If appealed, the judgment of the Hearing Panel will not be



enforced until the Executive Board renders a final decision.

**F. Failure to Comply**

Failure by an elected official to comply with a final judgment imposing discipline shall be considered an action detrimental to PEF's interest and may lead to removal from office in accordance with the PEF Constitution.

Failure by a member to comply with a decision of the Ethics Committee, Hearing Panel or Executive Board will be grounds for further disciplinary action in accordance with the Code of Ethics.

**SEIU VIOLATIONS:**

In the case of charges filed under SEIU Constitution, those appeals shall be pursuant to Article XVII, Section 6, 7 and 8 of that constitution.

Adopted: March 8, 1996  
Executive Board Meeting

Revised: March 3, 1999  
Executive Board Meeting

Amended: June 7, 2002  
Executive Board Meeting

Revised: November 22, 2002  
Executive Board Meeting

Revised: August 5, 2005  
Executive Board Meeting

Amended: March 3, 2006  
Executive Board Meeting

Revised: August 18, 2006  
Executive Board Meeting

Revised: August 23, 2018  
Executive Board Meeting

Revised: December 4, 2020  
Executive Board Meeting

## **Rules of Procedure For Hearings (Before Hearing Panel)**

1. The PEF Executive Department Paralegal will notify all parties to the charge by certified mail, return receipt requested, at least 30 days in advance of a hearing as to the date, hour and place of the hearing. Copies of the Ethics Committee decision and these rules will be forwarded to the parties.
2. At least one Petitioner must appear before the Hearing Panel or the case will be dismissed. The Petitioner(s) has the option to either present his/her own case or be accompanied by a PEF member in good standing to present on his/her behalf. The Respondent may appear before the Hearing Panel and with witnesses to answer the charges. The Respondent may select another PEF member in good standing to represent him/her in the presentation of a defense. The Respondent may present a defense in writing rather than personally appear. In the absence of a written or personal defense, the hearing shall proceed. While attorneys who are PEF members in good standing may present the case on behalf of a Petitioner or Respondent, outside attorneys are not allowed to participate in the hearing.
3. The Hearing Panel Chair shall determine the admissibility of evidence and decide all procedural questions in accordance with the Code of Ethics and these rules. Relevant evidence, whether presented through documents or testimony, will be reviewed by the Hearing Panel. Conformity to legal rules of evidence shall not be necessary. Hearsay evidence may be admissible.
4. Final witness lists will be submitted to the Ethics Committee Chair one week prior to the scheduled hearing. If a party elects to have a member in good standing present on his/her behalf, the name of such member must be submitted to the Ethics Committee Chair by a party one week prior to the date of the hearing. Such witness list and name of member, if any, shall be distributed to all parties by the Ethics Committee Chair. The Hearing Panel Chair may reduce the number of witnesses, should duplication and redundancy be apparent.
5. The Ethics Committee Chair will present a detailed written summary of its findings to the Hearing Panel.
6. All hearings shall be held in Executive Session. Only parties to the charge, member representatives if any, and witnesses are allowed to participate in the hearing. Witnesses will remain outside the hearing room until called to testify by an authorized Hearing Panel member.
7. The Hearing Panel Chair will announce at the beginning of the hearing that the proceedings are in Executive Session and that there is an obligation for confidentiality for all those present for the hearing. The hearing will be audio recorded by the Hearing Panel Chair, with a true and accurate audio copy provided to the parties upon request. Any other recording (video, audio, etc.) or reproduction is expressly forbidden by anyone present at the hearing, as the hearing is held in Executive Session. The official record of the hearing will be the Hearing Panel Chair's audio recording.
8. Each party to the charge will be allowed a maximum of 15 minutes to present a statement of their case, unless the Hearing Panel Chair determines that additional time is needed.

9. Witnesses will be allowed to testify for up to 10 minutes on direct examination. The Hearing Panel has the right to ask questions and the Hearing Panel Chair may extend the time if he/she determines that additional testimony is needed.
10. Cross-examination of witnesses, Petitioners and Respondents will be allowed.
11. Each party to the charge will be allowed a maximum of 15 minutes to summarize their respective positions.
12. The Hearing Panel Chair shall be authorized to adopt such other rules of procedure as are necessary to ensure an orderly and efficient proceeding and to provide all parties with due process.
13. At the conclusion of the hearing, the Hearing Panel will deliberate the charges set forth in the Petition. A majority vote will then decide whether to sustain or dismiss the charges in whole or in part; and what penalty, if any, shall be imposed.
14. As a matter of procedure, the PEF Executive Department Paralegal will serve a copy of the Hearing Panel decision to all parties within 7 days of the date the final decision is rendered.
15. Appeals may be brought to the Executive Board by any party to the Petition from any Hearing Panel decision. If appealed, the judgment of the Hearing Panel will not be enforced until the Executive Board renders a final decision. The Secretary-Treasurer will ensure that the penalties (if any) are enforced. If such penalty applies to the Secretary-Treasurer, the President will ensure that the penalty is enforced.

Rules 1- 12 Adopted August 5,  
1994 Executive Board Meeting

Revised: December 4, 2020  
Executive Board Meeting



## **ETHICS PETITION INSTRUCTIONS**

1. Statement of facts should be clear and concise. Use of excess verbiage detracts from understanding the issues.
2. Ensure that the filing deadline meets the 60 day timeliness test, otherwise the Petition will be dismissed. The Petition must be filed no later than 60 days after the charging party discovers the alleged violation. The date of the filing shall be the date of the postmark or the date of hand delivery as evidenced by a signed receipt. Emails or facsimiles of Petitions shall not be accepted. If the latest example of an unethical act is part of a series of events, indicate that the actions are *continuous* so that earlier occurrences can be cited, and not ruled invalid.
3. Provide a clear and concise statement of facts surrounding the allegations, to include the date and place of occurrence as well as the date of discovery of the allegation. The names of witnesses should be identified, and their notarized statements included. Provide all necessary written and verbal evidence (documents, witness statements, recordings, text messages, videos, etc.) to substantiate the charge. The burden for producing evidence and investigating the issues rests with the Petitioner. Unsupported claims will be dismissed.
4. Do your own investigation. The Ethics Committee meets and only reviews submitted paperwork, allegations listed in the paperwork, and does not have the resources to interview witnesses or research unsubstantiated charges.
5. Your case will have a number assigned after submission. The number starts with the year of filing, followed by a number indicating the order in which it was received e.g. (ERC 2020-001). **Refer to your case number in all subsequent correspondence.** The Ethics Committee is not responsible for the misfiling of documents not referencing the case number.
6. If additional evidence or documentation comes to light subsequent to your initial filing, you may submit such documentation provided that time permits that copies can be provided to the Respondent prior to the hearing of the case.
7. Once the Ethics Committee reaches a decision, it is final. Further recourse is through an Executive Board Appeal. Refer to Section D of the Code of Ethics for the appeals procedure.

New York State Public Employees Federation  
Committee on Ethics and Responsibility  
1168-70 Troy-Schenectady Road  
PO Box 12414  
Albany, NY 12212-2414  
1-800-342-4306  
Online at PEF.org

**ETHICS PETITION RESPONSE** ERC# \_\_\_\_\_ Office Use

Respondent Name

Full Home Address

*Instructions:* Obtain a copy of the PEF Code of Ethics, the PEF Constitution, or the PEF Policy Manual. These documents are available from your local PEF office, on the PEF website, or from the above address. On the form below, respond to the charges as appropriate. Use additional sheets if necessary. You may attach notarized witness statements or other exhibits to document your statement. Either type or print your response. Upon completion, have your signature notarized, and send a copy of the completed form and attachments to the PEF Executive Department Paralegal at the above address. You shall have 20 days in which to respond if personally served. If the charges are served by mail, the 20 days begin to run 7 days after the date of the mailing by PEF, as shown by the date of postmark. The same time to respond applies in the event the document is undeliverable or refused. If additional time is requested, it may be granted at the discretion of the Ethics Committee Chair for good reason/cause. Contact the Chair of the Committee.

I have received the Petition filed against me, and the following statement is my response:

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\_\_\_\_\_ Use additional sheets 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.

Sworn to me this \_\_\_\_\_ day of \_\_\_\_\_ of 20\_\_\_\_

\_\_\_\_\_  
Signature of Respondent

\_\_\_\_\_  
Notary Public

## **INSTRUCTIONS for ETHICS PETITION RESPONSE**

1. All documents relating to your response should have the **case number referenced**. This is the number that appears in the upper right hand corner of the Petition. The number starts with the year of filing, followed by a number indicating the order in which it was received (e.g. ERC 2020-001).
2. Provide a clear and concise rebuttal. Use of excess verbiage detracts from understanding the issues.
3. Check to ensure that the Petition filed against you was filed within the 60 day time limit. The Petition must be filed no later than 60 days after the charging party discovers the alleged violation. The date of filing shall be the date of the postmark or the date of hand delivery as evidenced by a signed receipt. Emails or facsimiles of Petitions shall not be accepted.
4. Provide documentation, if possible, to support your rebuttal of the charges filed against you. Remember, the burden for proving the charge is placed upon the Petitioner. You may provide any additional documents to assist in your defense such as, but not limited to, notarized witness statements and relevant exhibits.
5. Do your own investigation. The Ethics Committee meets and reviews submitted paperwork only.
6. Once the Ethics Committee reaches a decision, it is final. Further recourse is through an Executive Board appeal. Refer to Section D of the Code of Ethics for the appeals procedure.



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Committee on Ethics and Responsibility  
1168-70 Troy-Schenectady Road  
PO Box 12414  
Albany, NY 12212-2414  
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Online at PEF.org

**ETHICS APPEALS FORM** ERC# \_\_\_\_\_ Office Use

Appellant Name

Full Home Address

*Instructions:* Obtain a copy of the PEF Code of Ethics, the PEF Constitution, or the PEF Policy Manual. These documents are available from your local PEF office, on the PEF website, or from the above address. In the space provided below, state why you are appealing the decision rendered by the Ethics Committee or the Hearing Panel. Use additional sheets if necessary. **Please note – new information may not be submitted in the Appeal that was not presented to the Ethics Committee, the Hearing Panel, or both.** Either type or print your response. Upon completion, have your signature notarized, and send a copy of the completed form and attachments to the PEF Executive Department Paralegal at the above address. You shall have thirty (30) days to appeal if the decision is personally served. If the decision is served by mail, the 30 days to appeal begins to run 7 calendar days from the date of the mailing, as shown by the date of postmark. The same time to appeal applies in the event the document is undeliverable or refused.

I have received a copy of the Ethics Committee, or Hearing Panel Decision, and the following statement(s) are my reasons for appealing:

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Use additional sheets if necessary.

Oath: \_\_\_\_\_, being duly sworn, deposes and says that (s) he is the Appellant above named and that (s) he has read the above Appeal 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.

\_\_\_\_\_ Sworn to me this \_\_\_\_ day of \_\_\_\_ of 20\_\_\_\_

Signature of Appellant

\_\_\_\_\_  
Notary Public

**ETHICS CHARGES FILED**

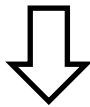
Charges must be filed no later than 60 days after charging party discovers alleged violation.

**RESPONDENT HAS 20 DAYS TO RESPOND**

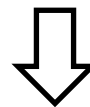
The Respondent will be served with a copy of the charges. The Respondent shall have 20 days to respond if personally served. If the charges are served by mail, the 20 days to respond begin to run 7 calendar days from date of postmark of this mailing.

**ETHICS COMMITTEE WILL REVIEW PETITION**

Committee may: dismiss charges - sustain charges of a minor or technical nature - or refer the matter to the President for a hearing before a Hearing Panel.



**OR**



**1. If the Committee dismisses or sustains charges of a minor or technical nature:**

**2. If referred to the President for hearing before a Hearing Panel:**

**EITHER PARTY MAY APPEAL TO THE EXECUTIVE BOARD**

**REFERRED TO HEARING PANEL -President will appoint panel with confirmation from the Executive Board**

\*Appeals must be filed within thirty (30) days if the decision is personally served. If the decision is served by mail, the 30 days to appeal begins to run 7 calendar days from the date of the mailing, as shown by the date of the postmark. The same time to appeal applies in the event the document is undeliverable or refused.

\*All parties notified at least 30 days in advance of hearing.

\*Hearing conducted. Decision rendered and parties notified.

\*Decision by the Executive Board is final.

\*Either party can appeal to the Executive Board. Appeals must be filed within thirty (30) days if personally served. If the decision is served by mail, the 30 days to appeal begins to run 7 calendar days from the date of the mailing, as shown by the date of postmark. The same time to appeal applies in the event the document is undeliverable or refused.

\* Decision by the Executive Board is final.