

I A F F

— Harold A. Schaitberger, General President

Edward A. Kelly, General Secretary-Treasurer

LEGAL GUARDIAN APPLICATION

International Association of Fire Fighters, AFL-CIO, CLC



OVERVIEW OF THE IAFF GUARDIAN POLICY

The IAFF “Legal Guardian Policy” is designed to make available, in appropriate circumstances, legal representation by and/or through the International’s General Counsel’s Office (referred to here as “GCO”). Representation is available under the policy where: (a) an affiliate, officer, or a member of a United States or Canadian affiliate has suffered, or is subject to suffering, adverse harm by an employer because of his/her union-related activities; or (b) where a court decision could establish a precedent that would have a significant impact on other IAFF affiliates.

A. First Category

Resolution No. 74 (adopted at the 1996 Convention) directs the IAFF to pursue whatever legal remedies are available and appropriate to protect union leaders who are disciplined or otherwise discriminated against because of their union activities. Consistent with this Convention Resolution, the first category of cases covered under this policy would include situations where an IAFF affiliate or member has engaged in “protected activities,” which are defined as follows:

- (1) organizing, leading, or supporting an IAFF affiliate;
- (2) participating in union affairs;
- (3) participating in political activity or a political campaign supported by the affiliate (such as supporting a candidate for local government office);
- (4) participating in claims supported by the affiliate (such as an OSHA claim, an FLSA claim, a state or provincial law claim, a whistleblower claim, or a grievance or arbitration claim); and
- (5) speaking out on a matter of public concern affecting the IAFF, an affiliate, or its members.

B. Second Category

The second category of cases covered under the policy includes litigation involving an affiliate or a member which is expected to have a precedent-setting impact (helpful or harmful) on other IAFF affiliates and members beyond the particular affiliate which is directly involved.

C. Procedures and Funding

Legal representation by the GCO under this policy will be handled using the following procedures:

1. The District Vice President will communicate with the IAFF General President concerning a request for the legal services of the GCO;
2. The District Vice President and the affected affiliate will submit the facts (documents, etc.) fully describing the matter and how it should qualify for the assistance of the GCO;
3. The GCO will study the information and make a recommendation to the General President as to whether the matter has merit and qualifies for the assistance of the GCO under this policy. In a legal matter involving a Canadian affiliate or member, the General President may consult with a Canadian attorney as well as the GCO; and
4. The General President will make the decision as to whether the GCO will be authorized to provide legal services and representation.

The General President's decision will be guided by the availability of funding, the merits and significance of the case, the potential impact of a court ruling on the membership of the IAFF, and other appropriate factors. In addition, the General President may consult with the General Secretary-Treasurer and the chairpersons of appropriate committees with regard to any decision made under this policy. The General President's decision shall be forwarded as soon as is practical to all IAFF District Vice Presidents.

Consistent with existing practice, the General President may authorize funding of a particular action from the general funds of the organization, or from the EDF. If the EDF is utilized, the General President's authorization would be subject to approval by the Executive Board (either by a telephone poll or a vote at the next Board meeting). The GCO will make every reasonable effort to recover and reimburse the IAFF for expenditures involving attorneys' fees and litigation costs.

Please be aware that the Guardian Policy is intended to provide IAFF locals with legal assistance directly from the IAFF General Counsel's Office. If the local seeking assistance is not willing to authorize the General Counsel's Office to serve as lead counsel in any legal action for which the assistance is being sought (thereby authorizing the General Counsel's Office to make the legal strategy decisions in such actions), the local should instead consider seeking assistance from the IAFF's Emergency Disputes Fund.

This application is designed to facilitate the consideration of your request for assistance under the Guardian Policy. Once you have provided the information that is requested on the following pages, and have attached any documents that relate to your request, please submit your completed application to your District Vice President, who will then forward it to the IAFF General President. The amount of time that it takes to fully consider a Guardian Policy application can vary, so if your request for assistance is time-sensitive, please make sure to indicate that fact in your application, and inform your District Vice President of any time deadlines related to your situation that could require expedited consideration of your application.



APPLICATION FOR GUARDIAN POLICY ASSISTANCE

Please Note: This application should be filled out by the President of the Local or State/Provincial Association seeking the assistance. Once filled out, it should be forwarded to the affiliate's District Vice President for submission to the General President.

I. Identifying Information

Date: _____

Local or State/Provincial Association Name: _____

Local Number: _____

Name of President: _____

Address: _____

Telephone Number: _____ Fax Number: _____

E-Mail Address: _____ Monthly Dues: _____

Name and Positions (if any) of the IAFF Members For Whom the Assistance is Sought:

II. Basis for Entitlement to Guardian Policy Assistance (either the First or Second Category must be checked):

_____ First Category: Applicant was disciplined or otherwise discriminated against because of the following union activities (check at least one):

_____ Organizing, leading or supporting an IAFF affiliate

_____ Participating in union affairs

_____ Participating in political activity or a political campaign supported by an IAFF affiliate

_____ Participating in claims supported by an IAFF affiliate

_____ Speaking out on a matter of public concern affecting the IAFF, an affiliate, or its members.

If seeking entitlement under the First Category, please describe the situation in full detail, including the adverse action that was taken against the applicant; who took the action; and facts showing that the action was taken because of union activities. Use additional sheets if necessary. **You must include copies of any documents related to your request with this application.**

_____ Second Category: Applicant is a party to, or expects to be a party to, litigation involving an affiliate or a member which is expected to have a precedent-setting impact (helpful or harmful) on other IAFF affiliates and members beyond the particular affiliate which is directly involved.

If seeking entitlement under the Second Category, please set forth complete details regarding the precedent-setting case; the applicant's involvement in the case; and how this case could impact other IAFF affiliates. Use additional sheets if necessary. **You must include copies of any documents related to your request with this application.**

Has the District Vice President been informed of all the details and circumstances relating to this request?

Yes _____ No _____

III. Other Information

Has the applicant taken any steps to pursue his or her rights (filed a grievance, pursued arbitration, filed a civil service appeal or a lawsuit, etc.) with respect to the matter for which Guardian Policy assistance is being sought?

Yes _____ No _____

If **yes**, please provide full details, including actions taken, dates, and results of such actions, if any (i.e. denial of grievances, arbitration awards, court orders, etc.):

Has the applicant retained counsel for the purpose of representing him or her regarding the matter for which Guardian assistance is being sought? Yes _____ No _____

If **yes**, please provide the following information:

Name of Counsel: _____

Name of Law Firm: _____

Address of Counsel: _____

Phone Number of Counsel: _____

Actions Taken by Counsel to Date:

Please be aware that the Guardian Policy is intended to provide IAFF locals with legal assistance directly from the IAFF General Counsel's Office. If the local seeking assistance is not willing to authorize the General Counsel's Office to serve as lead counsel in any legal action for which the assistance is being sought (thereby authorizing the General Counsel's Office to make the legal strategy decisions in such actions), the local should instead consider seeking assistance from the IAFF's Emergency Disputes Fund.

Please affirm below whether your local, if Guardian assistance is approved, will authorize the IAFF General Counsel's Office to serve as lead counsel in any legal action for which the assistance is being sought, meaning that the General Counsel's Office will make the legal strategy decisions in the case. Acceptance of this condition is a requirement for approval of this request.

Yes, my local will so authorize: _____ No, my local will not so authorize: _____

Has the applicant applied for and/or been awarded assistance for this matter under any other IAFF assistance policy? Yes _____ No _____

If **yes**, please provide full details, including the type of assistance applied for, the action taken on the application, and the assistance provided:

Please note that, if financial assistance is obtained by the General President from the IAFF's Emergency Disputes Fund (EDF) to fund your Guardian Policy assistance, any amounts recovered in a legal action by you or your counsel in the form of attorneys' fees or costs must be repaid to the EDF up to the amount spent from the EDF.

IV. Signature of Applicant

I hereby apply to obtain assistance under the IAFF Legal Guardian Policy for the matter specified in this application. The foregoing information is true, accurate and complete, to the best of my knowledge.

Signature of Local President

Date

V. Procedural Record (Office Use Only)

Forwarded to General President by District Vice President _____

Date Forwarded to General President: _____

Date Forwarded to General Counsel's Office for Recommendation: _____

Recommendation by General Counsel's Office (attach): _____

Date Forwarded: _____

Decision by the General President: _____

Date Decided: _____

EDF Grant Sought? Yes _____ No _____

If Yes, Date(s) Submitted to EDF Committee and Executive Board, and Action Taken:

<u>DATE</u>	<u>ACTION TAKEN</u>
_____	_____
_____	_____
_____	_____
_____	_____

Date Applicant Notified: _____

Date Vice President Notified: _____

Date Executive Board Notified: _____

Outcome of Case: