COMMUNICATIONS WORKERS OF AMERICA

Report of the Appeals Committee to the
4th Biennial
Presidents Meeting

Hyatt Regency
400 New Jersey Ave, N.W.
Washington, DC 20001

Monday, June 11, 2018
9:00 a.m.
APPEARANCES:

NATIONAL EXECUTIVE BOARD

Chris Shelton, President
Sara Steffens, Secretary-Treasurer
Dennis Trainor, Vice President, District 1
Edward Mooney, Vice President, District 2-13
Richard Honeycutt, Vice President, District 3
Linda Hinton, Vice President, District 4
Claude Cummings, Vice President, District 6
Brenda Roberts, Vice President, District 7
Tom Runnion, Vice President, District 9
Lisa Bolton, Vice President, Telecommunications & Technologies Sector
Charlie Braico, President, NABET-CWA
Dan Wasser, Executive Officer, PPMWS
Brooks Sunkett, Vice President, Public, Healthcare & Education Workers
Bernie Lunzer, President, TNG-CWA
Jim Clark, Division President, IUE-CWA
Sara Nelson, International President, AFA-CWA
Martin O'Hanlon, President, CWA-SCA Canada
Carolyn Wade, Northeast Region Executive Board
APPEARANCES (CONTINUED):

Member-at-Large

Anetra Session, Central Region Executive Board

Member-at-Large

Frank Arce, Western Region Executive Board

Member-at-Large

Vera Mikell, Southeast Regional Executive Board

Member-at-Large

Marge Krueger, Chair of the Credentials

APPEALS COMMITTEE:

Cori Gambini, President, CWA Local 1168

Sarah Harreus, President, CWA Local 6450

Donald Alire, President, CWA Local 7076

Orange Richardson, President, CWA Local 9410
P R O C E E D I N G S

(9:05 a.m.)

CHAIRMAN SHELTON: Can the Sergeant-at-Arms get the people out in the hall to come in? Can the delegates take their seats please?

Good morning brothers and sisters, welcome to the 2018 Biennial Presidents Meeting. Will everyone please rise for the Pledge of Allegiance?

(Pledge of Allegiance)

CHAIRMAN SHELTON: Brothers and sisters, today before I give off on our Presidents Meeting, I'm going to take a few minutes to talk about our union -- the impact of the attacks on us, and how we must adapt to the new conditions if we are to survive.

We at CWA are privileged. We live and work under union contracts in an era of declining union membership. The next battle in the ongoing war on unions is at the Supreme Court, which may rule today to eliminate agency fees throughout the public sector.

The case is known as Janus. The Supreme
Court's decision will reverse 40 years of law and will reduce union resources without reducing our obligations to represent employees. It will impact Public Sector unions and units the most, but it will affect each and every one of us.

Anticipating this attack, CWA's response was to use our strategic industry funds so-wisely created by you at the 2006 convention to build a stronger CWA. At the first whiff of the elimination of agency fees in the Public Sector, two and a half years ago, we kicked off our CWA Strong Program and we've done phenomenal work.

Today we have 7,383 more members in our Public Sector locals than we did in 2016. Yeah, that's absolutely worth celebrating. 7,383 more CWA members, because we aggressively went out and systematically talked about the value of our union to members and non-members alike.

Based on the success of that internal organizing and union building, we expanded the CWA Strong Program to the private sector. At our last convention, many of you signed the CWA Strong Pledge to
increase our membership density and to take numerous
steps to build our steward and activist networks.

As a local president, you are a critical
leader in this fight -- you and your stewards and
activists are the face of the union in the workplace.
Every day you must wake up and think about how many
members and non-members you have. How are they
engaged in our union?

What am I doing to build my local, to
increase my activists and stewards? You and your
local -- large and small, are where CWA will live or
die. This challenge isn't an easy one. It requires
time, energy, and resources, and it may require us to
change, but change we must.

We must examine our administrative
structures to see if they still work, and we are
proactively doing that. The same is true with our
traditional steward's training. I recently reviewed
our training program, and it spends 45 minutes on
internal organizing and mobilizing members, and the
rest of the two days on the finer points of handling
individual worker's problems.
We must spend more time teaching our stewards to be organizers and mobilizers. I instructed our staff to completely rewrite the steward's training program. Stewards are the union at the worksite. And when we've completed the rewrite, we will need your help for us to push out this new training for old and new stewards alike.

Some of you -- like IUE-CWA Local 86787 in Tyler, Texas, have already begun. They have recognized a need to invest in their steward network and are training all 50 stewards to be internal organizing -- internal organizers.

Not only do we need stewards in every workplace, but we need every member to understand that our power as a union grows from the bottom up. Member engagement is the critical foundation of every single fight that we are going to have. We see the power of members in action in the recent rounds of strikes, starting in West Virginia where teachers and other public education workers stood up and walked out and won for themselves new self-respect and a pay raise and improvements in teaching conditions.
They were followed by teachers in Oklahoma, Arizona, Kentucky, North Carolina and Colorado. This red state revolt is member-led and inspirational. We are seeing this brand of militancy spread to our own members.

Our members at Frontier in West Virginia walked out to protect job security for all members and stayed out for three weeks until they had won that job security. If you are from West Virginia stand up, stand up and be recognized.

Last week throughout the Midwest and in TNT, members at AT&T spontaneously walked off the job in an unfair labor practice strike. They were protesting AT&T's high-handed direct dealing with our members and by-passing their elected members at the bargaining table.

The strike spread across District 4. This is a pure grassroots energy, spontaneous and righteous. I have -- I am enormously proud of our members for taking their future into their own hands. If you're from District 4 or AT&T, stand up and be recognized. Stand up.
We've had enough of corporate arrogance.

We've had enough of the 1% and the network peddlers waging class war on us. We are standing up and fighting back. We are CWA Strong.

We need this kind of energy to drive our union programs. We will not survive if we only handle member's individual problems. We must return to our early roots -- a time when members dug into their own pockets and ponied up bus fare for CWA's first president, Joe Beirne, to travel to the next city to build our union.

Members built this union, reached into their pockets and built this union. We are not a vending machine where members put in money and get service back -- they have to be involved.

Our financial resources are shrinking, but our members’ energy is limitless. Yes, we are a strong union. Yes, you are strong leaders, but we need our members to be more engaged in their fights than ever before.

We need to develop our leadership skills to engage more members in our movement. Members --
united and standing together are the keys to keeping CWA Strong. As the labor ballad says, "There is no power greater anywhere beneath the sun."

Brothers and sisters, we cannot -- we will not survive if we don't make these changes. I will not let CWA die on my watch. Are you with me? Come on are you with me? Will you commit? Will you commit to building CWA Strong? Will you be there with me? Will you be there with our members?

Under Secretary-Treasurer Steffens’ able leadership, we began two years ago to prepare our union to survive the Janus decision. She will give you a detailed financial report following the Presidents Meeting and our Constitutional business.

She has been a terrific partner in managing our union through these turbulent times -- give her a round of applause. The adjustment to our new economic reality will be hard. We are replacing one staff for every two departures and have been doing that for quite a while.

There will be fewer staff in the near
future than there are today. We are cutting all
other expenses, which we can control, by 25%. It means
that you cannot expect staff to play the same role as
they did in the "good old days" -- those days are
over.

One of my favorite quotes is, "10,000
times has the labor movement stumbled and bruised
itself." We have been enjoined by the courts,
assaulted by thugs, charged by the militia, traduced
by the press, frowned upon in public opinion and
deceived by politicians. But notwithstanding all
this and all these -- labor is today the most vital
and potential power this planet has ever known, and
its historic mission is as certain of ultimate
realization as is the setting of the sun.

But in order to thrive, we will need to
double down on good old fashioned union-building by
going back to basics. Some of you are unlocking new
resources through CWA Strong, and you are succeeding
in building and growing your locals.

In Florida, our public sector units will
not face the extinction planned for them by our
right-wing Florida state legislature. They are working on passing legislation which would eliminate any public sector unit with less than 50% membership. Because our locals changed, embraced the CWA Strong Program and kicked off a major internal organizing program, they beat back this right-wing attack. Local 3181 for example, stand up -- raised its membership, raised its membership in each of its public sector units above the critical threshold and moved some as high as, listen to this -- 98%, they were less than 50% when they started.

In addition, and this is just as important, the local committed to use all the additional local dues funds it will receive to continue to build internally. This is change. This is the best way to make CWA Strong, and we are doing it across this union -- across the south, and now the north. We have units that are CWA Strong in right-to-work-for-less states where every member is a volunteer.

In Michigan and Indiana, the anti-union
lawmakers tried to weaken us by enacting right-to-work-for-less laws, but we reached out and engaged every member. As a result, CWA is stronger and we have fewer non-members in those states than we did before they passed those right-to-work-for-less laws.

Throughout the public sector we've stepped up the anti-union attacks and are building our union. In New Jersey through CWA Strong, CWA led a training program for our stewards to become internal organizers with 50 trainers and over 600 stewards. They spent the day practicing their internal organizing and union building skills.

They did not put internal organizing on the back burner because they were too busy and had to face their collective bargaining crisis. They did not put internal organizing on the back burner to wait for political change. They did not put internal organizing on the back burner to ratify their contract.

Instead, they built internal organizing into each and every one of the union strategies to overcome those crises. As a result, we have fewer fee
payers there than ever before in history. Give them
a round of applause.

Every local is above 75% organized and
together they average just over 80%. Brothers and
Sisters, to blunt the attack of the anti-union 1%, we
cannot be solely focused on the representation side
of the CWA triangle.

Community action and organizing are more
important now than ever. History teaches us that it
is during the upswing of movement activity that the
working class gains ground for our families and
communities.

We ended child labor and won an 8-hour
work day and established Social Security during the
New Deal uprisings and the first wave of industrial
organizing in the 1930s. In the ‘60s and ‘70s, we
created Medicare and OSHA as public sector unionism
climbed.

Our gains were achieved during times of
mass movements, great upheavals and rejection of the
status quo. In recreating these conditions, the
community action side of the CWA triangle will be the
topic for the next two days of the Legislative
Conference. On the third side of the CWA triangle,
external organizing with organizing labor hovering on
life support -- we need big bold ideas and action.
Not everything we try will succeed, but we
will learn from our successes and also our failures,
but we must be bold. It was bold for us to challenge
Wall Street and the bankers who control the CEOs who
run the companies where our members are employed.
It was bold for us to create the Committee
for Better Banks as the bequest of bank unions from
around the globe. And we had success. We challenged
the U.S. financial sector, winning the elimination of
sales goals as part of compensation plans and
pushing up the minimum wage to $15.00 an hour in the
financial sector.
But these important efforts which enhance
CWA across Capitol Hill have not led to membership
growth for CWA, and I am impatient. But, I am also
committed to other organizing experiments that will
lead to more CWA members.
It is bold for us to take on the wireless
industry. Dennis Trainor from District 1 insisted
during Unity at Mobility that we be bold, and our
members responded in an unprecedented four-day
strike. We have pushed AT&T Mobility members out
front to organizing Verizon Wireless and T-Mobile, and
our members have responded with thousands of contacts
of colleagues working in the non-union side of the
industry.

Richard Honeycutt, along with Nick Hawk
and Tom Smith, have chosen to build a membership
organization without collective bargaining at the
colleges of the Southeast -- the SEC colleges for
all you college football fans.

Building on the experience of the District
6 Texas State Employee Union and the recent successes
of the United Campus Workers in Tennessee, we've
committed to grow membership across the south and
similar organizations.

My hat is off to all those Tennessee
locals who have supported this effort using their
political leverage and spending their time to fight
against privatization. If you're from Tennessee,
stand up and be recognized.

AFA-CWA continues to build our union, adding new members and winning contracts for our flight attendants. We've added over 1,500 members this year in that sector alone. As part of CWA Strong, AFA-CWA is putting an emphasis on building Human Rights Committees this year.

In the Media sector, it is rewarding to hear Bernie Lunzer's report that nearly 1,000 members are now seeking to join CWA. Journalists at historically anti-union employers are coming to understand the fight for industry standards and the need to preserve our democracy through a collective action.

The pendulum, Brothers and Sisters, is beginning to swing our way. The future is ours to make. It starts with you. These times are tough, but we're tougher. The challenges are great, but our union is greater.

Stand with me and build CWA Strong. Stand with me and build CWA Strong. CWA, CWA, CWA, CWA, CWA, CWA Strong, thank you, and now let me move to the
opening of our formal meeting.

(Applause.)

CHAIRMAN SHELTON: Pursuant to Article 9, Section 7 of the CWA Constitution, this local Presidents Meeting has been called to hear and resolve any pending appeals of the Executive Board decisions as issued to date.

That is the only business before this meeting. With that said I would like to recognize the National Executive Board and ask them please to stand as I say their names: Sara Steffens, Secretary-Treasurer; Dennis Trainor, Vice President of District 1; Ed Mooney, Vice-President, District 2-13; Richard Honeycutt, Vice President, District 3, Linda Hinton, Vice President, District 4; Claude Cummings, Vice President, District 6; Brenda Roberts, Vice President, District 7; Tom Runnion, Vice President, District 9; Lisa Bolton, Vice President, Telecommunications and Technology; Brooks Sunkett, Vice President, Public Health Care and Education Workers; Bernie Lunzer, President, TNG-CWA; Charlie Braico, President, NABET-CWA; Jim Clark,
President, IUE-CWA;
Sara Nelson, President, AFA-CWA; Dan Wasser, PPMWS Executive Officer; Martin O'Hanlon, President CWA-SCA Canada; Carolyn Wade, Northeast Region Executive Board Member-at-Large; Anetra Session, Central Region Executive Board Member-at-Large; Frank Arce, Western Region Executive Board Member-at-Large; Vera Mikell, Southeast Regional Executive Board Member-at-Large. Thank you.

Now I'd like to bring to the microphone the Chair of the Credentials Committee, Marge Krueger.

MS. KRUEGER: Good morning, President Shelton, delegates, retirees, and guests. I am pleased to announce on behalf of the Credentials Committee that the committee has registered 290 delegates and guests to this Presidents Meeting. The committee appreciates the assistance rendered by the Secretary-Treasurer's Office, especially the help of the Information Services and Membership Dues Department. With the assistance of the two departments mentioned, we are continuing to
improve service to our delegates, retirees and

guests.

Since our last convention, new locals have
been added to our ranks. These locals are 3642,
21085, 24003, 3265 and 24029; let us welcome them.
We should be reporting on credentials in the
following categories: Category 1 -- those
credentials properly executed and received on time.
Category 2 -- credentials properly
executed but late; Category 3 -- improperly executed;
Category 4(A) -- proxy credentials properly executed
but late; Category 4(B) -- proxy credentials
improperly executed; Category 5 -- unusual
circumstances.

There are 255 credentials in Category 1 --
that's credentials properly executed and on time.
The committee moves that these delegates be seated.

CHAIRMAN SHELTON: Thank you, Marge. So I
will entertain a motion to adopt the Credentials
Committee report. Is there a second? All those in
favor please raise your hand; down hands -- opposed
by like sign -- the motion is approved.
MS. KRUEGER: There are no credentials in Category 2, 3, 4A, 4B or 5. Those delegates other than Category 1 who have not been seated by the action of this convention may present themselves to the committee and obtain their proper badges. Mr. President and delegates, this completes the committee's report at this time, thank you.

CHAIRMAN SHELTON: We also need a motion from the floor to seat the delegates, is there a motion? Is there a second? All those in favor please raise your hand; down hands? Opposed by like sign, the motion carries. Thanks, Marge.

So now I want to describe for you the use of the microphones and how you get recognized to speak, make motions, or ask questions. Also, we will be using Robert’s Rules of Order at this meeting.

We have four microphones set up on the floor. Microphone number 1 is where a delegate would go to make a motion. The telephone associated with this microphone is connected to our parliamentarians. They are seated immediately behind me. Will the parliamentarians please stand as I call
your name: Pat Shea, CWA General Counsel; Amy Young, Administrative Director, District 1.

Microphone 2 is the "For" microphone. Use it to be recognized to speak in favor of any motion before the Presidents Meeting. Microphone 3 is the "Against" microphone. Use it to be recognized to speak against any motion before the Presidents Meeting. Microphone 4 is the "Privileged/Questions" microphone. Use it to be recognized to raise a point of privilege or to ask a question.

Each of these three microphones are connected to staff on the platform. Will the staff please rise as I call your name? At the "For" microphone -- Tonya Moore, District 1; at the "Against" microphone -- Mike Scholte, District 4; at the "Privileged Questions" microphone -- Matt Harris, District Counsel District 4.

Under our rules there is a five-minute limit on any speech. Staff Ruth Marriott, T&T and Linda Miller, District 2-13 will assist with this. Please stand. We will rotate between the "For," "Against" and "Questions/Privileged" microphones in
that order.

When you are recognized at any of the microphones, please first state your name and local number. During the course of the Presidents Meeting, a verbatim record is being kept. This record will be emailed to you. You will have 30 days to review the record and report to us any errors you may wish to have corrected.

To help us with who is to be recognized and to be sure that we follow procedures as provided in the Constitution and to help me with close votes, we have two delegates from the floor. For that purpose today, we have two delegates -- I will introduce them at this time -- Diana Markowski, President, Local 13100, Maurice Washington, Executive Vice President, Local 9400.

I would like to call the Appeals Committee to the stage. As the Appeals Committee is coming to the platform, I just want to read out a case that the 2016 Presidents Meeting had ordered arbitrary.

Dominic Patrignani, President of Local 81359
appealed the Executive Board's denial of a case for
arbitration to the 2016 Presidents Meeting, and
delegates ordered that case be arbitrated. The case
involved the upgrade of a member, Thomas Fogerty,
based on seniority and the subsequent revocation of
that upgrade because Mr. Fogerty had not yet achieved
an A rating as the company alleged was required by
the contract.

The case was settled after Mr. Fogerty was
awarded the position of Senior Lead Operator. The
2017 convention did not afford any cases to be
arbitrated. I'd like to introduce the Appeals
Committee as they come up -- they're already here.
Cori Gambini, President, CWA 1168, Chair; Johnny
Hernandez, President, CWA Local 3112 -- Johnny is not
here because of an illness. Sarah Harreus, President,
CWA Local 6450, Orange Richardson IV, President, CWA
Local 9410; Donald Alire, President, CWA Local 7076,
and assisting the Committee John Dempsey and Amy Young,
District 1 staff.

I'd like to call on President Gambini, the
Chair of the Appeals Committee to start the Appeals
Committee report. Sorry there's no microphone on the table.

MS. GAMBINI: Okay, thank you. Good morning everyone: The Appeals Committee convened June 7th through June 10th, 2018, at the Washington Hyatt Hotel in Washington, DC, for the purpose of receiving and disposing of appeals in accordance with the CWA Constitution and the internal appeals procedures of the union as established by prior conventions and the Executive Board.

The committee was available to meet with interested parties on June 7th and June 10th, 2018, between the hours of 2 p.m. through 6 p.m. Outside of these hours the committee was available by appointment. I would like to thank the committee members Sarah Harreus, President, CWA Local 6450, Donald Alire, President, CWA Local 7076 and Orange Richardson IV, President, CWA Local 9410 for their hard work and the time they devoted to these appeals.

Due to a medical issue, Appeals Committee member Johnny Hernandez, President, CWA Local 3112 was unable to travel to Washington, DC, and
participate in this process. Also, the committee
thanks John Dempsey, Staff Representative, CWA
District 1 for his support and assistance.

The Chair recognizes President Donald
Alire, for Appeal 1.

MR. ALIRE: CWA Local 2108 President
Marilyn Irwin has appealed the decision of the CWA
Executive Board on a grievance filed by member Barry
Hill regarding the extension of his Regional
Attendance Plan (RAP) target date for the period of
time that he was out on strike.

The Executive Board upheld the decision of
President Shelton not to strike – not to
arbitrate the grievance. The appeal is timely and
properly before the Presidents Meeting. Member Hill
was hired on February 3, 2000, as a consultant at
Verizon.

On April 13th, 2016, member Hill joined his
brothers and sisters on the picket line. He returned
to work with the other strikers on June 1st, 2016.
Prior to the strike on January 12th, 2016, member
Hill was placed on step 3 of the Verizon RAP.
At that time, he was to regress to step 2 on a June 28th, 2016, target date if he did not have a chargeable absence between those dates. On June 22nd, 2016, member Hill was informed that his target date was extended until August 15th, 2016. Member Hill was absent from July 28th to August 22nd, 2016. The absence was not covered by FMLA, so it was a chargeable absence. Member Hill was placed on step 4 and suspended for 15 days.

Member Hill grieved the extension on his target date from June 28th to August 15th of 2016. President Irwin and member Hill argue that being out of work due to striking should not be used to extend the order's target date under the RAP.

The Appeals Committee agrees with the decision of the Executive Board except to the extent that the Executive Board stated that Local 2108 and member Hill did not grieve the suspension that member Hill received for his July 28th to August 22nd, 2016, absence.

While the grievance does not mention the suspension, the grievance does allege that the
extension of member Hill's target date for being out
on strike violated his right to participate in union
activity.

If the grievance was sustained, the
removal of the suspension would be the remedy.
Therefore, for all practical purposes the grievance
did not include the suspension. However, CWA is most
likely to prevail in arbitration -- most unlikely to
prevail in arbitration.

The RAP states that the employee must be
at work for six months without a chargeable absence to
regress to his or her prior step of the RAP. Member
Hill was not charged under the RAP for his strike
absence; however, the absence was still a period of
time when member Hill was not at work.

For that reason, Verizon extended the
target date in the same manner that it extends target
dates for other non-chargeable absences. In our
view, no arbitrator would find this interpretation to
be an unreasonable construction of the six-month
requirement.

There is no evidence that any member was
treated differently as a result of participating in
the strike against Verizon in either 2011 or 2016.
Local 2108 President Irwin did appear before the
Appeals Committee and passionately presented her
case.

Unfortunately however, the committee
believes that President Irwin's arguments will be
unsuccessful and that CWA cannot prevail in
arbitration. Accordingly, the Appeals Committee
recommends that the decision of the Executive Board
be upheld and that the appeal of Local 2108 President
Marilyn Irwin, be denied.

CHAIRMAN SHELTON: You've heard the
Appeals Committee recommendation in Appeal Number 1.
Is there any discussion? It's kind of hard to see
the microphones with these lights folks, but you
know, if I miss somebody make noise. Yeah -- seeing
no one at the "For" microphone, we'll go to the
"Against" microphone -- the delegate at the "Against"
microphone please announce your name and your local
number.

MS. IRWIN: Good morning, Chris. My name
is Marilyn Irwin, I'm President of CWA Local 2108, and
I'm here today on behalf of Barry Hill, our member.
President Shelton spoke this morning about attacks on
unions. Verizon, like a lot of big employers, is a
bully.

They will treat our members as badly as
they can get away with. That's why it's so important
that we police their actions, and we use every tool
available to us to protect our members, whether that's
relying on contract provisions or legal protections
that we have.

The Appeals Committee has written out the
facts for you. I hope that you all had a chance to
see the flyer that we passed out this morning to see
the facts that we wanted you to consider. I'm not
going to repeat all of those, I would just like to
make a couple of key points.

Changes to attendance plans are a
mandatory subject of bargaining. An employer needs
to tell the union we intend to make a change to the
plan, which then gives the union the opportunity to
request bargaining if they choose to do that. That
did not happen in this case.

Verizon just decided to unilaterally implement their plan differently and do something they had never done before -- it's a violation of the National Labor Relations Act. Our local requested numerous times of our district through our staff rep as is our process for board charges to be filed about this issue, but that didn't happen.

Verizon changed how they applied their Regional Attendance Plan after our 49-day strike in 2016. Our RAP states, and this is a quote out of the plan, "Target dates are extended due to full days of approved leaves of absence." -- Full days of approved leaves of absence -- that's the only reason it's given in the plan as far as why target dates will be extended, and with the exception of this it's the only time that they have been extended since 2001.

And the example they give in their verbiage is as an FMLA or educational leave. Verizon does not and has not extended target dates for any other reason. If our members have a death in the
family, if they're on jury duty, if they're off the
job for union business for a few days here and there
-- none of those things extend a target date.

They're only extended due to time on an
approved leave of absence.

In the -- On page 3 of the Appeals
Committee report it says the RAP states an employee must be
at work for six months without a chargeable absence
to regress to his or her prior step of the RAP.
Those words are nowhere in our plan. Those words
don't exist -- the only people who've said those
words are CWA.

Time spent on strike is not a chargeable
absence either. If it was, all of our members who
participated in our 2016 strike would have been
placed on or progressed through the Regional
Attendance Plan whenever they returned from the
strike and, of course, that did not happen.

When we were on strike for two weeks in
2011, I have no knowledge -- and at that time we had
about 3,000 people in our local. I have no knowledge
of any of our members having their target dates
extended due to time on strike.

I have spent hours looking through grievance files from 2011, '12, and '13 to look at people who had a lot of attendance issues to see if I could find a single case where any member had their target date extended due to the two weeks on strike in 2011 in our bargaining unit, and I could find none.

And I'd also like to make the point Verizon hasn't made any claims that they extended target dates in the past. We've done this before so why are you arguing about us doing it now? Verizon hasn't made that claim.

Now, Board charges should have been filed on this issue, but they weren't. So here we are today -- grievances were filed. We have about half a dozen in my local who were filed over this issue -- Barry Hill is just kind of the lead dog.

We can get justice for Barry Hill and the others who are similarly situated by taking this issue before an arbitrator. We can prove to our good members that we fight for them. And I think you can
see in the documents -- I hope it's clear during the
time that Barry Hill's -- his target date was
extended, he had a subsequent absence -- he has
diabetes --

CHAIRMAN SHELTON: Times up.

MS. IRWIN: My time is up? Okay, if we
don't fight for 49 days, who do we fight for?

CHAIRMAN SHELTON: Delegate at the
"Questions" mic?

MR. SIMPSON: Yes, Chuck Simpson, the
President of CWA Local 2204. My question centers on
the remark in the report that says, "Unfortunately
the committee believes that President Irwin's
argument will be unsuccessful and that CWA cannot
prevail at arbitration." Specifically, what did you
use to arrive at that determination?

MR. ALIRE: Oh, we reviewed the file in
complete -- everything that was turned in, such as the
grievance notes, the appeals, comments from President
Irwin and the member.

MR. SIMPSON: Can I have a second
question?
CHAIRMAN SHELTON: Yes, you're entitled to a second question.

MR. SIMPSON: When you speak of those documents, are there specific items in there or just generally everything overall that's used to determine it would not be successful?

MR. ALIRE: Well general -- everything that was included, but as we said, we did meet with the President, she provided more information and such.

MR. SIMPSON: Thank you.

CHAIRMAN SHELTON: Delegate at the "For" microphone.

MR. TREMENTOZZI: My name is Don Trementozzi, President of Local 1400 New Hampshire. This is -- good morning, brothers and sisters. This is very simple -- it's not that complicated. When you go on strike for seven weeks, you didn't work. You don't accumulate any time towards a discipline of having it regress. It's really the issue before you. It has nothing to do with the union and filing a Board charge. That may be
significant but not here. It has nothing to do with anything outside of challenging the company, negotiating, or demanding to bargain over the change in the absence of the program -- discipline program That has nothing to do with that issue. The issue here is she did not regress during the seven week strike because we didn't work. Everybody in this room is willing to fight. I was on a four-month strike with Fair Point, seven weeks with Verizon. We're all willing to fight brothers and sisters, but this issue here is very simple -- she did not accumulate any time during the strike to have her discipline regress. Therefore, she had to work another seven weeks or six weeks to have it regress, and that just did not happen and did not stay out of trouble and got fined -- that's the issue.

CHAIRMAN SHELTON: Delegate at the "Questions" mic?

MR. DULANEY: Yes, my question is -- and I believe the Appeals Committee --

CHAIRMAN SHELTON: Name and local number
MR. DULANEY: Oh I'm sorry, Bill Dulaney, CWA Local 2101. How did the Appeals Committee come up with the point that the RAP states that an employee must be at work for six months without a chargeable absence to regress his or her step -- because I don't see it anywhere in the RAP plan that they must be at work.

MR. ALIRE: From the file that we looked at it is under a Regional Attendance Plan -- the RAP, it does state that requirement.

MR. DULANEY: It does? I have it in front of me, so could you direct me to that? I do see where it says, "Advise the employee that the absence qualifies for FMLA coverage, the employee will not be charged with an absence but that his or her target date will be extended by the amount of FMLA absence. Also the company is to advise if the absence does not qualify for FMLA coverage, the company will determine whether the absence qualifies as an exempt. If it doesn't, the FMLA coverage here will be a chargeable absence, but I see nowhere does it say that they must
be at work -- nowhere.

And correct me if I'm wrong, while we were
out on strike if anyone -- if anybody was out on a
medical restriction leave of absence, did they extend
that -- the 150 days when -- for the people that are
familiar with the Verizon contract?

CHAIRMAN SHELTON: Delegate, your question
is to the Appeals Committee.

MR. DULANEY: Oh I'm sorry.

MS. GAMBINI: We're pulling the file. We
have the file up here so we're just going through the
file.

MR. DULANEY: I'm sorry, repeat that?

MR. ALIRE: We're reviewing the file right
now.

MR. DULANEY: Okay, thanks.

MR. ALIRE: Please bear with us, we're
looking through the file -- it's a thick file.

CHAIRMAN SHELTON: So it appears the
Appeals Committee cannot find that reference. Are
there -- is there any other discussion?

MR. DULANEY: So the answer was --
CHAIRMAN SHELTON: I can't find -- well they can't find it, but they're still looking. Is there any other discussion? Seeing no one heading for a microphone, sorry there's somebody at the "Motions" mic. So delegate at the "Motions" microphone you can speak on your motion.

MR. BENITEZ: No, I'm going to withdraw the motion just so we can try to move forward better, so I'm not going to make the motion now. I was going to make a motion, but let's try to move forward with this okay?

CHAIRMAN SHELTON: We'll try again.

Seeing no one heading towards a microphone, the motion before you is the Appeals Committee recommendation and Appeal Number 1. All those in favor of the Appeals Committee recommendation please raise your hand. Down hands, opposed by like sign -- the motion is defeated. The case will be arbitrated.

MS. GAMBINI: Appeal Number 2 I recognize President Orange Richardson.

MR. RICHARDSON: Good morning. CWA Local 3204 President Edmund Barlow has appealed the
decision of the CWA Executive Board regarding a
grievance involving the application of Article 15 to
work assigned to electronic technicians and testing
technicians under the BST AT&T Southeast Collective
Bargaining Agreement.

The Executive Board upheld the decision of
President Shelton not to arbitrate this grievance.
The appeal is timely and properly before the
Presidents Meeting. In 2016, AT&T reassigned certain
technical work that had been performed by Legacy T
technicians to BST AT&T Southeast electronic
technicians and testing technicians.

The grievance alleged that the
reassignment of work violated Article 15 of the
Collective Bargaining Agreement because the company
failed to notify the union about the new job
assignments and failed to negotiate with the union
about the terms.

Article 15 of the Collective Bargaining
Agreement requires the company to give notice to the
union and to negotiate over certain issues when it
"creates a new job title or job classification," or
President Barlow maintains that the AT&T's Southeast technician job classification was "redefined" because the new task required new training and job aids. The issue here is whether the assignment of former Legacy T work constituted a "restructure or redefinition" of the job titles.

A prior arbitration award, CWA and AT&T Corporation 1996, recognized that the "the employer has some latitude to alter or adjust the non-core or peripheral duties of bargaining unit jobs without contractual consequences."

In this case, skills, abilities and job duties required for the assigned work are similar to those already possessed and performed by AT&T Southeast technicians.

It is unlikely that an arbitrator would conclude that the addition of the new work constituted a "restructuring" or "redefinition" of the title. Rather, an arbitrator would likely conclude that the assigned work was not a restructuring, but instead was akin to simply
requiring additional testing on the same circuit.

President Barlow also refers to an arbitration case won by CWA District 6 in similar circumstances. However, the case involved a different issue, differential pay for performing higher rated -- a higher rated job and a different collective bargaining agreement that contained language, which allowed the union to prevail.

The Appeals Committee believes that these cases are sufficiently different from one another to preclude the application of the District 6 case to the current grievance. Accordingly, the Appeals Committee recommends that the decision of Executive Board be upheld and the appeal of Local 3204 President Edmund Barlow be denied.

CHAIRMAN SHELTON: Is there any discussion? I think seeing no one going to a microphone the motion before you is to adopt the Appeals Committee recommendation in Appeal Number 2.

All those in favor please raise your hand. Down hands, opposed by like sign -- the motion carries.

MS. GAMBINI: Appeal Number 3: the Chair
recognizes once again President Orange Richardson.

MR. RICHARDSON: Good morning for the second time. CWA Local 3204 President Edmund Barlow has appealed the decision of the Executive -- the CWA Executive Board regarding a grievance involving the application of Article 15 to work assigned to service representatives under the BST AT&T Southeast Collective Bargaining Agreement.

The Executive Board upheld the decision of President Shelton not to arbitrate this grievance. The appeal is timely and properly before the Presidents Meeting. This case is substantially similar to Appeal 2.

In 2016, AT&T reassigned certain work that had been performed under the Legacy T contract to BST AT&T Southeast service representatives. The grievance alleged that the reassignment of work violated Article 15 of the Collective Bargaining Agreement because the company failed to notify the union about the new job assignments and failed to negotiate with the union about the terms.

Article 15 of the Collective Bargaining
Agreement requires the company to give notice to the union and to negotiate over certain issues when it "creates a new job title or classification" or "restructures or redefines an existing" job title.

President Barlow maintains that the AT&T Southeast service representative job classification was "redefined" because the new task required new systems and terminology. The issue here is whether the assignment of former Legacy T work constituted a "restructure or redefinition" of the title.

A prior arbitration award, CWA AT&T Corporation 1996, recognized that "the employer has some latitude to alter or adjust the non-core or peripheral duties of bargaining unit jobs without contractual consequences."

In this case, the skills, abilities, and job duties required for the assigned work are similar to those already possessed and performed by AT&T Southeast service representatives. It is unlikely that an arbitrator would conclude that the addition of the new work constituted a "restructuring" or "redefinition" of the title.
Rather, an arbitrator would likely conclude that the reassigned work was not restructuring, but instead was simply requiring a new system -- requiring new systems and terminology. President Barlow also refers to the arbitration case won by CWA District 6 in similar circumstances. However, that case involved a different issue, differential pay for performing a higher rated job and a different collective bargaining agreement that contained language which allowed the union to prevail.

The Appeals Committee believes that these cases are sufficiently different from one another to preclude the application of the District 6 case to the current grievance. Accordingly, the Appeals Committee recommends that the decision of the Executive Board be upheld and the appeal of Local 3204 President Edmund Barlow be denied.

CHAIRMAN SHELTON: Is there any discussion? Seeing no one coming to a microphone -- at least I hope, what's before you is the Appeals Committee recommendation on Appeal Number 3. All
those in favor, please raise your hand. Down hands -- opposed by like sign. The motion carries.

MS. GAMBINI: Appeal number --

CHAIRMAN SHELTON: Let me interrupt you for a minute. We need the -- Marge Krueger from the Credentials Committee needs to make a supplemental report here.

MS. KRUEGER: Hello again President Shelton, delegates, and guests. The Credentials Committee would like to report credentials in category 2 properly executed, but late for the following Locals -- 1158, 1106, 1133, 4100, 6311, 6355, 84101. The committee moves that these delegates be seated.

CHAIRMAN SHELTON: Is there a second? All those in favor, please raise your hands. Down hands -- opposed by like sign. The motion carries the delegates are seated.

MS. GAMBINI: Appeal Number 4 was withdrawn this morning after the report was printed.

Appeal Number 5: the Chair recognizes
President Sarah Harreus.

MS. HARREUS: Hello and good morning. CWA Local 14430 President David R. Gerard has appealed the decision of CWA Executive Board regarding a grievance involving the disqualification of member Kelly Synal from employment. The Executive Board upheld the decision of President Shelton not to arbitrate the grievance.

The appeal is timely and properly before the Presidents Meeting. In April of 2016, employer Northstar Aerospace announced that its New Bedford Park facility was closing. The union and the employer bargained a closure agreement that explicitly stated, "The payments and other considerations provided are in full settlement of all rights and benefits arising under the collective bargaining agreement that relate in any way to the termination of an employment relationship and employee as part of the closure."

Member Synal had approximately 15 years of service in April of 2016. To avoid layoff, member Synal bumped into another position. In August of
2016, the company disqualified her from the bumped position causing her to be separated from the payroll. The union grieved her disqualification. During the grievance, member Synal accepted the severance package offered to employees under the closure agreement.

As part of her acceptance of the package, consistent with the closure agreement signed by the union, member Synal signed a general waiver and release stating in pertinent part, "In exchange for the promises made by the company in this agreement, employee waives and releases all known and unknown claims and causes of action of any kind he has or may have against the company, including, but not limited to all claims and causes of action related to or in any way growing out of his employment and/or separation from the employment with the company."

The General Waiver and Release included a list of causes of action released which included claims that the company had violated any type of labor contract. Thus, not only had the union released the
company in the closure agreement, but also Synal expressively
and clearly waived her right to bring any claim
against the company arising from her employment or
removal from the payroll under the closure agreement.

President Gerard agreed that the local had
not received the response to its document request and
that Synal should not have been required to decide
whether to accept the severance package. However,
the severance agreement signed by member Synal is
enforceable.

Any financial hardships she may have
suffered did not amount to the unlawful coercion or
duress sufficient to render the agreement
unenforceable. Coupled with the union's waiver in
the closure agreement, member Synal's execution of
the General Release, and acceptance of the severance
payment, rendered the grievance not arbitral.

Accordingly, the Appeals Committee
recommends the decision of Executive Board be upheld
and the appeal of 14430 President David Gerard be
denied.

CHAIRMAN SHELTON: Is there a second? The
Committee made the motion is there a second? Much better. Is there any discussion? Seeing no one heading towards the microphone, before you is Appeal Number 5 with the Appeals Committee's recommendation in Appeal Number 5. All those in favor, please raise your hand. Down hands, opposed by like sign, the motion carries.

MS. GAMBINI: I will read Appeal Number 6.

CWA Local 3204 President Edmund Barlow and member Robin McClam have appealed the decision of the CWA Executive Board regarding a grievance involving the termination of member Robin McClam for benefits fraud.

The Executive Board upheld the decision of President Shelton not to arbitrate this grievance. The appeal is timely and properly before the Presidents Meeting. Member McClam was a Multi-Media Technician employed by AT&T Southeast. She had 30 years of service. Member McClam was diagnosed with benign paroxysmal positional vertigo which means that she suffers from episodes of dizziness and the sensation of spinning
with certain head movements.

She applied for and was granted intermittent FMLA for this condition. The absence record over the past 5 years, 2013 to 2017, indicates that member McClam exhibited a pattern of taking approved illness, including two weekend days with the 8th day being a vacation day or other excused absence day.

Using vacation or other excused absence day on the 8th day of the absence prevents the employee from going out on disability. The documents substantiate this pattern occurred 26 times between 2013 and 2017.

Because of this pattern the company surveilled member McClam on three days during the hours that she was scheduled to be at work. After she had called in and stated that she could not work due to her FMLA covered condition, she was observed walking, driving to several non-urgent locations, sitting, entering, exiting buildings, filling out paperwork, carrying grocery bags, and speaking with her landscapers.
The company had a doctor who specializes in occupational medicine review the surveillance video tape, and her opinion was that while Miss McClam was engaged in these activities, she showed no signs of suffering from the condition with which she was diagnosed.

President Barlow argues that member McClam had no medical restrictions that she violated. Her doctor stated that her restrictions were from going to work and her duties, which included talking on the phone and using a computer.

She was not seen performing those duties -- activities. However, either the condition or the medication prescribed for her condition would have prevented her from driving, which she was observed doing.

The evidence and the documentation in the file are sufficient to convince an arbitrator that member McClam was not suffering from intense dizziness that characterized the condition for which she had FMLA leave.

Further, it is not believable that she
suffered this condition in a similar pattern 26 times
between 2013 and 2017. An arbitrator would find that
the company had just cause for discharge.
Accordingly, the Appeals Committee recommends that
the decision of the Executive Board be upheld and the
appeal of Local 3204 President Edmund Barlow be
denied.

CHAIRMAN SHELTON: Is there a second? All
those in favor of the Appeals Committee
recommendation in Appeal Number 6 please raise your
hand. Down hands -- opposed by like sign. The
motion carries.

MS. GAMBINI: Appeal Number 7 the Chair
recognizes President Sarah Harreus.

MS. HARREUS: CWA Local 4322 President
Daniel Frazier has appealed the decision of the CWA
Executive Board regarding a grievance involving
member Brittany Walter. AT&T Midwest issued Miss
Walter a written warning and a one-day suspension for
her using a cell phone in a work area. The Executive
Board upheld the decision of President Shelton not to
arbitrate this grievance. The appeal is timely and
properly before the Presidents Meeting.

Member Walter, a sales consultant working in Dayton, Ohio -- she was hired on October 10th, 2009. Prior to the incident at issue, member Walter had been disciplined three times for cell phone violations.

On December 3rd, 2016, member Walter arrived 10 minutes early for her shift -- she received a call from her ill daughter, she walked off the floor to use her phone. When she returned to the floor to log in, she was 16 minutes late. She was heard by the manager still talking on the phone while she re-entered the work floor.

She was paid for her full tour and was not issued any discipline for being tardy. During the investigation meeting member Walter stated that, "I feel like you, the manager, did not care because you heard me, and I was upset," indicating that she was in fact on her phone while on the floor and aware management had observed her.

President Frazier argued that member Walter was not on the floor when she was on the
55

phone. The evidence in the file however, indicates otherwise. As noted above, member Walter had been disciplined three times for improper cell phone use. Her management’s comment, "I know that wasn't you on the phone," was sarcastic as President Frazier noted.

President Frazier argued that this comment referred to her tardiness, however the comment obviously addressed her continued improper cell phone use. For these reasons the Appeals Committee recommends that the Executive Board's decision be upheld and the appeal of Local 4322 President Daniel Frazier be denied.

CHAIRMAN SHELTON: Is there a second? At the "Against" microphone, the delegate may speak.

MR. MURRAY: Thank you, David Murray, Vice President of Local 4322. I'm here on behalf of Dan Frazier who is currently in the Midwest bargaining with AT&T.

President Shelton, Secretary-Treasurer Steffens, Executive Board members, Appeals Committee members, staff, and delegates. I rise to speak on the
appeal at hand. The grievant in this case, Brittnay Walter, is a member of my Local 4322, but this issue belongs to everyone in this room who represents CWA members at AT&T.

As outlined on December 3rd, 2016, Brittnay Walter was late to work -- tardy due to the illness of one of her five children. She became aware of this prior to the start of her shift and was prevented from being on time because she was on her personal cell phone in a designated area where cell phone usage is permitted, which is the hallway outside or off the sales floor.

She was making arrangements with a family member to take care of her child, and because of the length of that call, she lost track of time. The Appeals Committee report reads, "When she returned to the floor she was 16 minutes late, and that is accurate." She did log in 16 minutes late.

However, the statement that she was heard by the manager still talking on the phone when she re-entered the work floor is not accurate, and no evidence exists in the case file or anywhere else to
my knowledge to support this contention.

I'm not even sure where this is coming
from. In the first few appeals through the steps of
this process -- these steps, she was accused of
taking the call on the sales floor and then walking
out. Now here we are at the Presidents Meeting, and
now it's the other way around -- now she's supposedly
on it coming back in. There's nothing in there to
support that.

Further, the report states that during
the investigation meeting, member Walter stated that,
"I felt like you, the manager did not care because
you heard me, and I was upset." This statement was
made in the meeting where the discipline was
administered -- there was no investigation meeting.

And it does not indicate in any way that
she was on her cell phone while on the work floor
because that simply never happened. The facts are
that Brittnay's manager observed her out in the
hallway which is supported by the statements made by
this very same manager during this meeting where the
discipline was administered.
The manager went out into the hallway looking for Brittany when she noticed that she was not at her desk at the start of her tour. All interactions between Brittany and her manager prior to her concluding the call, and then going back onto the sales floor to log in took place out in the hallway -- that's where the statement was made.

She came out in the hall, Brittany saw her manager. "She saw me on the phone, she had to know I was upset, and she just went back inside." That was the end of it -- the manager. Brittany was simply tardy -- nothing more and nothing less, but I think it's out of just pure vindictiveness and because of her history with being disciplined for cell phone usage on the floor, the company chose to call her tardy a code of business violation, and they disciplined her accordingly.

And that is why this matter must be taken to arbitration because if AT&T can call being tardy a code of business conduct violation and get away with it, where does that end?

It puts every one of our AT&T members
nationwide in danger and left unchecked to the whims of AT&T management. I ask that you stand with my Local 4322 on this matter because in doing so, you will be standing in like manner with every AT&T member you represent, thank you.

And I would like to reserve any remaining time I have in case there's any questions, if that's permitted.

CHAIRMAN SHELTON: You can ask the question from there.

MR. MURRAY: Well actually if someone has a question that needs to be addressed by me, that's what I meant.

CHAIRMAN SHELTON: Someone has a question?

MR. MURRAY: If anyone does.

CHAIRMAN SHELTON: While we're waiting, the Supreme Court report has come out, and we expected that there may be or might be a Janus decision today. They have not made that decision today so it could be next Monday or possibly later in the week -- the delegate on the "Questions" microphone?

MR. EMBRY: Matthew Embry, Local 3310,
Louisville, Kentucky, President. My question is that the gentleman at the "Against" mic stated that there's no evidence in the grievance file stating that she was actually witnessed on the floor speaking on the phone, yet the Appeals Committee says that there was evidence. Can you elaborate specifically what evidence in the grievance file shows that she was, in fact, on the floor speaking on her cell phone?

MS. GAMBINI: The Appeals Committee has the investigatory notes that has member Walter quoting that she in fact noticed -- sorry one moment -- that her manager, Janelle, heard her on the phone and didn't seem to care so she logged in -- so we took that as she was on the floor and logged in at that moment.

MR. EMBRY: A second question follow-up would be, couldn't that also have been that the manager knew she was outside off the floor speaking on her cell phone just as well?

MS. GAMBINI: Yes, but with the history of this member and her past violations of cell phone
improper use over the past years we took that into
consideration.

MR. EMBRY: One final question is couldn't we offer --

CHAIRMAN SHELTON: No, because there's a
delegate behind you, you're only entitled to two
questions. Yeah, please when you're going to go to
any of the microphones, call in right away so we
know. And that delegate that just sat down, if you
have another question, you can get in line again at
the microphone. -- the delegate at the "Questions" mic?

MR. JOHNSON: Thank you, President Shelton. My
name is Jason Johnson, Local President of 81408
United Optical Workers of Schenectady, New York. My
question is -- is there any record that shows when
she ended that phone call versus when she clocked in?
Thank you.

MS. GAMBINI: No, we have no record of when
she actually ended that phone call, just a record
that she was logged in at 11:16.

MR. JOHNSON: Thank you.

CHAIRMAN SHELTON: The delegate at the
"Questions" microphone?

MS. PACKER: Valerie Packer, Local 7621, Idaho. AT&T commonly has video in most all of their locations and stores. Was there any video presented with this grievance where she was when she was talking on the phone?

MS. GAMBINI: There's no indication -- it does not state where she was when she was on the phone.

MS. PACKER: Thank you.

MS. GAMBINI: Oh, no video, I'm sorry -- no video or surveillance.

CHAIRMAN SHELTON: Again on the "Questions" microphone?

MS. MCLEROY: Yes, Patty McLeroy, Local 3710. I want to clarify something. Did she log in and then go out and take a cell phone call or am I correct in reading that she never logged in, she took the call and then was 16 minutes late and went in and logged in at that point?

MS. GAMBINO: Correct, she did not log in until 11:16.
MS. MCLEROY: Okay so she was not on the company's payroll when she was on the cell phone call correct?

MS. GAMBINI: She was not on company payroll.

MS. MCLEROY: Thank you.

CHAIRMAN SHELTON: The delegate at the "Questions" microphone?

MS. IRWIN: Thank you, Marilyn Irwin, President, Local 2108. The quote that you read -- I think there are some assumptions being made, and when I heard it I wondered if that wasn't the young lady's explanation for why she didn't go to her boss and explain what she was doing for this 16 minutes because her boss saw her on the phone upset outside of the workplace.

So I just wondered if an incorrect assumption is being made by the quote that you read that she was on the phone in the workplace -- that's her explanation for why didn't you go to the boss and say, "Boss, this is why I'm logging in 16 minutes late, it's because I was out in the hall talking to
my sick child on my cell phone when indeed the boss
already knew that, so she's explaining why she didn't
go tell her boss that, just went to her desk and
logged in. That's how it felt to me.

MR. MURRAY: And that is correct.

MS. GAMBINI: Per the investigatory notes
the manager stated that she went out to look for the
member and advised because she didn't see her in her
work area at that time and when she seen the member
she had stated, "I know that wasn't you on the
phone." She did recognize the member Walter -- she
heard her on the phone saying, "Okay I gotta go,
bye," and then member Walter logged in.

MS. IRWIN: But as you said -- follow-up
question.

CHAIRMAN SHELTON: You're entitled to
another question.

MS. IRWIN: The mics -- okay, but you're
assuming where this took place correct -- this
conversation?

MS. GAMBINI: Yes, per the investigatory
notes.
MS. IRWIN: Thank you.

MS. Gambini: And the additional discipline that she had had after.

Chairman Shelton: The delegate at the "Against" microphone you still have a minute and 13 seconds left if you'd like to speak.

Mr. Murray: If it's allowed, I'd like to address that. Yeah, what the representative earlier said -- what the delegate said earlier is correct. The manager came out and saw her and that's what she was referencing. You knew I was tardy because you knew where I was at, and you saw me on the phone -- that's really all this was about -- that she was not on the phone when she re-entered.

She concluded the call. Because she had been disciplined prior; she had issues with cell phone usage before on the floor now, not out in the hallway. That's why her manager Janelle Harris made that smart remark to her about, "I know that's not you on the phone, that's not the reason you're tardy." That's what that statement made -- and that was made out in the hallway.
Brittany knew better than to walk in with her phone, you know, talking on it -- she knows better than that. She concluded the call, 15 to 16 minutes late to work that day -- that's all it was. She never had the phone out on the sales floor, and there's no supporting documentation or evidence to that end.

So yeah, it's simply what it is -- it's pretty simple, she was tardy, and they chose to call it a COBC just to stick it to her, thank you.

CHAIRMAN SHELTON: The delegate at the "Questions" microphone?

MR. DUNLAP: Jim Dunlap, Local 9110, Nevada Association of Public Safety Officers. We conduct investigations from time to time. The first question is, was the member properly represented at the time that she was interviewed or investigated about this incident?

Secondly, was there additional witnesses, additional supervisors, additional co-workers that were present during the allegation of this incident taking place? We had heard that there's no
surveillance, but if it's a work area, or work space there had to have been other people that were around that could have contributed to the investigation, and if they weren't interviewed then I would say that's not a proper and thorough investigation by the company.

MS. GAMBINI: There's nothing in the file that indicates that. We're simply going on what was in the file and the information that we have. Questions before the Appeals Committee with the surveillance and information again was not provided in the file, and President Frazier has the bargaining -- we did not see the Vice President at the Appeals Committee to ask additional questions or clarifying due to travel.

CHAIRMAN SHELTON: So seeing no one heading towards a microphone, you have before you the Appeals Committee recommendation in Appeal Number 7. All those in favor please raise your hand. Those opposed -- the motion doesn't carry. That's it. So that concludes the appeals that are before you. I'd like to thank the Appeals Committee,
they did a great job. And I'd like to -- so there is
a delegate at the "Questions" mic, and because of the
nature of what she's going to do, I'm going to allow
it, although we shouldn't be doing this according to
the Constitution at the Presidents Meeting, but the
delegate at the "Questions" mic please identify
yourself.

    MS. WOJTOWICZ: Shari Wojtowicz, 7250.

Thank you, President Shelton. Two things -- we have a bus
leaving tomorrow morning at 5 o'clock to do a
mobilization activity rally with the DirecTV folks
and enlist people into our Legacy T contract.

    So we're doing a huge rally tomorrow, we
have room on the bus, and if you would like to join us,
please see me. We have room for about 25 more people or
so. And I also have the drawing -- we did a 50/50
raffle for the Puerto Rico Relief. So this is something
we've been doing for over a year.

    Every time we get together we've been
holding a 50/50 raffle to help raise money for the
brothers and sisters of CWA in Puerto Rico, and we'll
continue to do that until the federal government
provides them the relief that they are entitled to or
they should be entitled to as United States citizens.

Let's go -- oh no, look what just
happened! Put them all on the floor right, just pick
one here -- there you go, just pick one. Just pick
one. So we raised $1,100 this morning so the winner
will get 50% of that, and I really can't see the
number because I only have one contact in.

CHAIRMAN SHELTON: $550.

MS. WOJTOWICZ: Yeah, oh I know that math
sorry, I can't read this ticket. The ticket number
is 7890341. Really we can just leave them -- so my
tickets are on the table, check mine. 0341 -- is it
me? Oh, again, it's -- you've got one chance here,
claim your ticket or it's going to Puerto Rico, I
mean that's awesome too okay. Alright 0341? Thanks,
it's going to Puerto Rico, $1,100.

CHAIRMAN SHELTON: So there is a -- are we
done? There is a delegate at the "Motions" mic.

MR. MURRAY: Gerald Murray, Local 6507. I
would like to make a motion to adjourn the meeting.

CHAIRMAN SHELTON: There is a motion to
adjourn. Just before we adjourn, I have one quick announcement. After adjournment we are going to have Secretary-Treasurer Sara Steffens give a financial report. I would ask that you all stay for that. I can't allow the folks that are lined up at the “Questions” mic because as I read at the beginning of this meeting, the only thing that we are able to do constitutionally at the Presidents Meeting is appeals.

I allowed Shari to do what she did because it was a 50/50 raffle, and I guess I shouldn't have, but I did. So there is a motion before you to adjourn. I'd like to also say thank you to our observers, you did a great job. Thank you.

There's a challenge to the ruling that the delegate is out of order. So the delegate is out of order because it's unrelated to the business that we're here for and that we already have a motion to adjourn, which takes precedence; so I would ask the delegate to take his seat. George, you can say whatever you want after the meeting is adjourned, just let's get the meeting adjourned because the
Constitution says that the only thing we can do at this meeting is appeals, and I can't change that -- that's what the Constitution says.

So if you let us adjourn the meeting, I will let you go up to that microphone and say whatever you want. The motion to adjourn has been seconded, I assume that the delegate is withdrawing his challenge of the Chair. The motion to adjourn has been seconded. Before you is a motion to adjourn -- all those in favor please raise your hands, down hands, opposed by like sign -- we are adjourned.

(Whereupon the meeting was adjourned at 10:42 a.m.)