

1 COMMUNICATIONS WORKERS OF AMERICA

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5 Report of the Appeals Committee to the

6 4th Biennial

7 Presidents Meeting

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11 Hyatt Regency

12 400 New Jersey Ave, N.W.

13 Washington, DC 20001

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17 Monday, June 11, 2018

18 9:00 a.m.

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1 APPEARANCES:

2 NATIONAL EXECUTIVE BOARD

3 Chris Shelton, President

4 Sara Steffens, Secretary-Treasurer

5 Dennis Trainor, Vice President, District 1

6 Edward Mooney, Vice President, District 2-13

7 Richard Honeycutt, Vice President, District 3

8 Linda Hinton, Vice President, District 4

9 Claude Cummings, Vice President, District 6

10 Brenda Roberts, Vice President, District 7

11 Tom Runnion, Vice President, District 9

12 Lisa Bolton, Vice President, Telecommunications

13 & Technologies Sector

14 Charlie Braico, President, NABET-CWA

15 Dan Wasser, Executive Officer, PPMWS

16 Brooks Sunkett, Vice President, Public,

17 Healthcare & Education Workers

18 Bernie Lunzer, President, TNG-CWA

19 Jim Clark, Division President, IUE-CWA

20 Sara Nelson, International President, AFA-CWA

21 Martin O'Hanlon, President, CWA-SCA Canada

22 Carolyn Wade, Northeast Region Executive Board

1 APPEARANCES (CONTINUED):

2 Member-at-Large

3 Anetra Session, Central Region Executive Board

4 Member-at-Large

5 Frank Arce, Western Region Executive Board

6 Member-at-Large

7 Vera Mikell, Southeast Regional Executive Board

8 Member-at-Large

9 Marge Krueger, Chair of the Credentials

10 Committee

11 APPEALS COMMITTEE:

12 Cori Gambini, President, CWA Local 1168

13 Sarah Harreus, President, CWA Local 6450

14 Donald Alire, President, CWA Local 7076

15 Orange Richardson, President, CWA Local 9410

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1 P R O C E E D I N G S

2 (9:05 a.m.)

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

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

9 (Pledge of Allegiance)

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

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

22 The case is known as Janus. The Supreme

1 Court's decision will reverse 40 years of law and
2 will reduce union resources without reducing our
3 obligations to represent employees. It will impact
4 Public Sector unions and units the most, but it will
5 affect each and every one of us.

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

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

19 Based on the success of that internal
20 organizing and union building, we expanded the CWA
21 Strong Program to the private sector. At our last
22 convention, many of you signed the CWA Strong Pledge to

1 increase our membership density and to take numerous
2 steps to build our steward and activist networks.

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

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

15 We must examine our administrative
16 structures to see if they still work, and we are
17 proactively doing that. The same is true with our
18 traditional steward's training. I recently reviewed
19 our training program, and it spends 45 minutes on
20 internal organizing and mobilizing members, and the
21 rest of the two days on the finer points of handling
22 individual worker's problems.

1 We must spend more time teaching our
2 stewards to be organizers and mobilizers. I
3 instructed our staff to completely rewrite the
4 steward's training program. Stewards are the union
5 at the worksite. And when we've completed the
6 rewrite, we will need your help for us to push out
7 this new training for old and new stewards alike.

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

13 Not only do we need stewards in every
14 workplace, but we need every member to understand
15 that our power as a union grows from the bottom up.
16 Member engagement is the critical foundation of every
17 single fight that we are going to have. We see the
18 power of members in action in the recent rounds of
19 strikes, starting in West Virginia where teachers and
20 other public education workers stood up and walked
21 out and won for themselves new self-respect and a pay
22 raise and improvements in teaching conditions.

1 They were followed by teachers in
2 Oklahoma, Arizona, Kentucky, North Carolina and
3 Colorado. This red state revolt is member-led and
4 inspirational. We are seeing this brand of
5 militancy spread to our own members.

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

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

17 The strike spread across District 4. This
18 is a pure grassroots energy, spontaneous and
19 righteous. I have -- I am enormously proud of our
20 members for taking their future into their own hands.
21 If you're from District 4 or AT&T, stand up and be
22 recognized. Stand up.

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

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

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

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

21 We need to develop our leadership skills
22 to engage more members in our movement. Members --

1 united and standing together are the keys to keeping
2 CWA Strong. As the labor ballad says, "There is no
3 power greater anywhere beneath the sun."

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

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

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

21 There will be fewer staff in the near

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

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

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

21 In Florida, our public sector units will
22 not face the extinction planned for them by our

1 right-wing Florida state legislature. They are
2 working on passing legislation which would eliminate
3 any public sector unit with less than 50% membership.

4 Because our locals changed, embraced the
5 CWA Strong Program and kicked off a major internal
6 organizing program, they beat back this right-wing
7 attack. Local 3181 for example, stand up -- raised
8 its membership, raised its membership in each of its
9 public sector units above the critical threshold and
10 moved some as high as, listen to this -- 98%, they
11 were less than 50% when they started.

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

21 In Michigan and Indiana, the anti-union

1 legislators tried to weaken us by enacting right-to-
2 work-for-less laws, but we reached out and engaged
3 every member. As a result, CWA is stronger and we
4 have fewer non-members in those states than we did
5 before they passed those right-to-work-for-less laws.

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

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

20 Instead, they built internal organizing
21 into each and every one of the union strategies to
22 overcome those crises. As a result, we have fewer fee

1 payers there than ever before in history. Give them
2 a round of applause.

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

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

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

19 Our gains were achieved during times of
20 mass movements, great upheavals and rejection of the
21 status quo. In recreating these conditions, the
22 community action side of the CWA triangle will be the

1 topic for the next two days of the Legislative
2 Conference. On the third side of the CWA triangle,
3 external organizing with organizing labor hovering on
4 life support -- we need big bold ideas and action.

5 Not everything we try will succeed, but we
6 will learn from our successes and also our failures,
7 but we must be bold. It was bold for us to challenge
8 Wall Street and the bankers who control the CEOs who
9 run the companies where our members are employed.

10 It was bold for us to create the Committee
11 for Better Banks as the bequest of bank unions from
12 around the globe. And we had success. We challenged
13 the U.S. financial sector, winning the elimination of
14 sales goals as part of compensation plans and
15 pushing up the minimum wage to \$15.00 an hour in the
16 financial sector.

17 But these important efforts which enhance
18 CWA across Capitol Hill have not led to membership
19 growth for CWA, and I am impatient. But, I am also
20 committed to other organizing experiments that will
21 lead to more CWA members.

22 It is bold for us to take on the wireless

1 industry. Dennis Trainor from District 1 insisted
2 during Unity at Mobility that we be bold, and our
3 members responded in an unprecedented four-day
4 strike. We have pushed AT&T Mobility members out
5 front to organizing Verizon Wireless and T-Mobile, and
6 our members have responded with thousands of contacts
7 of colleagues working in the non-union side of the
8 industry.

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

14 Building on the experience of the District
15 6 Texas State Employee Union and the recent successes
16 of the United Campus Workers in Tennessee, we've
17 committed to grow membership across the south and
18 similar organizations.

19 My hat is off to all those Tennessee
20 locals who have supported this effort using their
21 political leverage and spending their time to fight
22 against privatization. If you're from Tennessee,

1 stand up and be recognized.

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

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

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

20 Stand with me and build CWA Strong. Stand
21 with me and build CWA Strong. CWA, CWA, CWA, CWA,
22 CWA, CWA Strong, thank you, and now let me move to the

1 opening of our formal meeting.

2 (Applause.)

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

8 That is the only business before this
9 meeting. With that said I would like to recognize
10 the National Executive Board and ask them please to
11 stand as I say their names: Sara Steffens,
12 Secretary-Treasurer; Dennis Trainor, Vice President
13 of District 1; Ed Mooney, Vice-President, District
14 2-13; Richard Honeycutt, Vice President, District 3,
15 Linda Hinton, Vice President, District 4;
16 Claude Cummings, Vice President, District
17 6; Brenda Roberts, Vice President, District 7; Tom
18 Runnion, Vice President, District 9; Lisa Bolton, Vice
19 President, Telecommunications and Technology; Brooks
20 Sunkett, Vice President, Public Health Care and
21 Education Workers; Bernie Lunzer, President, TNG-CWA;
22 Charlie Braico, President, NABET-CWA; Jim Clark,

1 President, IUE-CWA;

2 Sara Nelson, President, AFA-CWA; Dan

3 Wasser, PPMWS Executive Officer; Martin O'Hanlon,

4 President CWA-SCA Canada; Carolyn Wade, Northeast

5 Region Executive Board Member-at-Large; Anetra

6 Session, Central Region Executive Board Member-at-Large;

7 Frank Arce, Western Region Executive Board

8 Member-at-Large;

9 Vera Mikell, Southeast Regional Executive

10 Board Member-at-Large. Thank you.

11 Now I'd like to bring to the microphone

12 the Chair of the Credentials Committee, Marge Krueger.

13 MS. KRUEGER: Good morning, President

14 Shelton, delegates, retirees, and guests. I am

15 pleased to announce on behalf of the Credentials

16 Committee that the committee has registered 290

17 delegates and guests to this Presidents Meeting.

18 The committee appreciates the assistance

19 rendered by the Secretary-Treasurer's Office,

20 especially the help of the Information Services and

21 Membership Dues Department. With the assistance of

22 the two departments mentioned, we are continuing to

1 improve service to our delegates, retirees and
2 guests.

3 Since our last convention, new locals have
4 been added to our ranks. These locals are 3642,
5 21085, 24003, 3265 and 24029; let us welcome them.

6 We should be reporting on credentials in the
7 following categories: Category 1 -- those
8 credentials properly executed and received on time.

9 Category 2 -- credentials properly
10 executed but late; Category 3 -- improperly executed;
11 Category 4(A) -- proxy credentials properly executed
12 but late; Category 4(B) - proxy credentials
13 improperly executed; Category 5 -- unusual
14 circumstances.

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

18 CHAIRMAN SHELTON: Thank you, Marge. So I
19 will entertain a motion to adopt the Credentials
20 Committee report. Is there a second? All those in
21 favor please raise your hand; down hands -- opposed
22 by like sign -- the motion is approved.

1 MS. KRUEGER: There are no credentials in
2 Category 2, 3, 4A, 4B or 5. Those delegates other
3 than Category 1 who have not been seated by the
4 action of this convention may present themselves to
5 the committee and obtain their proper badges. Mr.
6 President and delegates, this completes the
7 committee's report at this time, thank you.

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

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

17 We have four microphones set up on the
18 floor. Microphone number 1 is where a delegate would
19 go to make a motion. The telephone associated with
20 this microphone is connected to our
21 parliamentarians. They are seated immediately behind
22 me. Will the parliamentarians please stand as I call

1 your name: Pat Shea, CWA General Counsel; Amy Young,
2 Administrative Director, District 1.

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

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

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

1 that order.

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

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

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

22 Dominic Patrignani, President of Local 81359

1 appealed the Executive Board's denial of a case for
2 arbitration to the 2016 Presidents Meeting, and
3 delegates ordered that case be arbitrated. The case
4 involved the upgrade of a member, Thomas Fogerty,
5 based on seniority and the subsequent revocation of
6 that upgrade because Mr. Fogerty had not yet achieved
7 an A rating as the company alleged was required by
8 the contract.

9 The case was settled after Mr. Fogerty was
10 awarded the position of Senior Lead Operator. The
11 2017 convention did not afford any cases to be
12 arbitrated. I'd like to introduce the Appeals
13 Committee as they come up -- they're already here.
14 Cori Gambini, President, CWA 1168, Chair; Johnny
15 Hernandez, President, CWA Local 3112 -- Johnny is not
16 here because of an illness. Sarah Harreus, President,
17 CWA Local 6450, Orange Richardson IV, President, CWA
18 Local 9410; Donald Alire, President, CWA Local 7076,
19 and assisting the Committee John Dempsey and Amy Young,
20 District 1 staff.

21 I'd like to call on President Gambini, the
22 Chair of the Appeals Committee to start the Appeals

1 Committee report. Sorry there's no microphone on the
2 table.

3 MS. GAMBINI: Okay, thank you. Good
4 morning everyone: The Appeals Committee convened June
5 7th through June 10th, 2018, at the Washington Hyatt
6 Hotel in Washington, DC, for the purpose of receiving
7 and disposing of appeals in accordance with the CWA
8 Constitution and the internal appeals procedures of
9 the union as established by prior conventions and the
10 Executive Board.

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

20 Due to a medical issue, Appeals Committee
21 member Johnny Hernandez, President, CWA Local 3112
22 was unable to travel to Washington, DC, and

1 participate in this process. Also, the committee
2 thanks John Dempsey, Staff Representative, CWA
3 District 1 for his support and assistance.

4 The Chair recognizes President Donald
5 Alire, for Appeal 1.

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

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

18 On April 13th, 2016, member Hill joined his
19 brothers and sisters on the picket line. He returned
20 to work with the other strikers on June 1st, 2016.
21 Prior to the strike on January 12th, 2016, member
22 Hill was placed on step 3 of the Verizon RAP.

1 At that time, he was to regress to step 2
2 on a June 28th, 2016, target date if he did not have a
3 chargeable absence between those dates. On June
4 22nd, 2016, member Hill was informed that his target
5 date was extended until August 15th, 2016.

6 Member Hill was absent from July 28th to
7 August 22nd, 2016. The absence was not covered by
8 FMLA, so it was a chargeable absence. Member Hill was
9 placed on step 4 and suspended for 15 days.

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

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

21 While the grievance does not mention the
22 suspension, the grievance does allege that the

1 extension of member Hill's target date for being out
2 on strike violated his right to participate in union
3 activity.

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

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

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

22 There is no evidence that any member was

1 treated differently as a result of participating in
2 the strike against Verizon in either 2011 or 2016.
3 Local 2108 President Irwin did appear before the
4 Appeals Committee and passionately presented her
5 case.

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

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

22 MS. IRWIN: Good morning, Chris. My name

1 is Marilyn Irwin, I'm President of CWA Local 2108, and
2 I'm here today on behalf of Barry Hill, our member.
3 President Shelton spoke this morning about attacks on
4 unions. Verizon, like a lot of big employers, is a
5 bully.

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

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

18 Changes to attendance plans are a
19 mandatory subject of bargaining. An employer needs
20 to tell the union we intend to make a change to the
21 plan, which then gives the union the opportunity to
22 request bargaining if they choose to do that. That

1 did not happen in this case.

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

9 Verizon changed how they applied their
10 Regional Attendance Plan after our 49-day strike in
11 2016. Our RAP states, and this is a quote out of the
12 plan, "Target dates are extended due to full days of
13 approved leaves of absence." -- Full days of
14 approved leaves of absence -- that's the only reason
15 it's given in the plan as far as why target dates
16 will be extended, and with the exception of this it's
17 the only time that they have been extended since
18 2001.

19 And the example they give in their
20 verbiage is as an FMLA or educational leave. Verizon
21 does not and has not extended target dates for any
22 other reason. If our members have a death in the

1 family, if they're on jury duty, if they're off the
2 job for union business for a few days here and there
3 -- none of those things extend a target date.

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

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

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

19 When we were on strike for two weeks in
20 2011, I have no knowledge -- and at that time we had
21 about 3,000 people in our local. I have no knowledge
22 of any of our members having their target dates

1 extended due to time on strike.

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

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

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

19 We can get justice for Barry Hill and the
20 others who are similarly situated by taking this
21 issue before an arbitrator. We can prove to our good
22 members that we fight for them. And I think you can

1 see in the documents -- I hope it's clear during the
2 time that Barry Hill's -- his target date was
3 extended, he had a subsequent absence -- he has
4 diabetes --

5 CHAIRMAN SHELTON: Times up.

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

8 CHAIRMAN SHELTON: Delegate at the
9 "Questions" mic?

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

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

21 MR. SIMPSON: Can I have a second
22 question?

1 CHAIRMAN SHELTON: Yes, you're entitled to
2 a second question.

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

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

11 MR. SIMPSON: Thank you.

12 CHAIRMAN SHELTON: Delegate at the "For"
13 microphone.

14 MR. TREMENTOZZI: My name is Don
15 Trementozzi, President of Local 1400 New Hampshire.
16 This is -- good morning, brothers and sisters. This
17 is very simple -- it's not that complicated. When
18 you go on strike for seven weeks, you didn't work.
19 You don't accumulate any time towards a
20 discipline of having it regress. It's really the
21 issue before you. It has nothing to do with the
22 union and filing a Board charge. That may be

1 significant but not here. It has nothing to do with
2 anything outside of challenging the company,
3 negotiating, or demanding to bargain over the change
4 in the absence of the program -- discipline program

5 That has nothing to do with that issue.

6 The issue here is she did not regress during the seven
7 week strike because we didn't work. Everybody in
8 this room is willing to fight. I was on a four-month
9 strike with Fair Point, seven weeks with Verizon. We're
10 all willing to fight brothers and sisters, but this
11 issue here is very simple -- she did not accumulate
12 any time during the strike to have her discipline
13 regress.

14 Therefore, she had to work another seven weeks
15 or six weeks to have it regress, and that just did not
16 happen and did not stay out of trouble and got fined
17 -- that's the issue.

18 CHAIRMAN SHELTON: Delegate at the
19 "Questions" mic?

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

22 CHAIRMAN SHELTON: Name and local number

1 please?

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

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

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

1 be at work -- nowhere.

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

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

9 MR. DULANEY: Oh I'm sorry.

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

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

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

16 MR. DULANEY: Okay, thanks.

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

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

22 MR. DULANEY: So the answer was --

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

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

12 CHAIRMAN SHELTON: We'll try again.
13 Seeing no one heading towards a microphone, the
14 motion before you is the Appeals Committee
15 recommendation and Appeal Number 1. All those in
16 favor of the Appeals Committee recommendation please
17 raise your hand. Down hands, opposed by like sign --
18 the motion is defeated. The case will be arbitrated.

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

21 MR. RICHARDSON: Good morning. CWA Local
22 3204 President Edmund Barlow has appealed the

1 decision of the CWA Executive Board regarding a
2 grievance involving the application of Article 15 to
3 work assigned to electronic technicians and testing
4 technicians under the BST AT&T Southeast Collective
5 Bargaining Agreement.

6 The Executive Board upheld the decision of
7 President Shelton not to arbitrate this grievance.

8 The appeal is timely and properly before the
9 Presidents Meeting. In 2016, AT&T reassigned certain
10 technical work that had been performed by Legacy T
11 technicians to BST AT&T Southeast electronic
12 technicians and testing technicians.

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

19 Article 15 of the Collective Bargaining
20 Agreement requires the company to give notice to the
21 union and to negotiate over certain issues when it
22 "creates a new job title or job classification," or

1 "restructures or redefines an existing" job title.

2 President Barlow maintains that the AT&T's
3 Southeast technician job classification was
4 "redefined" because the new task required new
5 training and job aids. The issue here is whether the
6 assignment of former Legacy T work constituted a
7 "restructure or redefinition" of the job titles.

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

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

17 It is unlikely that an arbitrator would
18 conclude that the addition of the new work
19 constituted a "restructuring" or "redefinition" of
20 the title. Rather, an arbitrator would likely
21 conclude that the assigned work was not a
22 restructuring, but instead was akin to simply

1 requiring additional testing on the same circuit.

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

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

16 CHAIRMAN SHELTON: Is there any
17 discussion? I think seeing no one going to a
18 microphone the motion before you is to adopt the
19 Appeals Committee recommendation in Appeal Number 2.
20 All those in favor please raise your hand. Down
21 hands, opposed by like sign -- the motion carries.

22 MS. GAMBINI: Appeal Number 3: the Chair

1 recognizes once again President Orange Richardson.

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

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

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

22 Article 15 of the Collective Bargaining

1 Agreement requires the company to give notice to the
2 union and to negotiate over certain issues when it
3 "creates a new job title or classification" or
4 "restructures or redefines an existing" job title.

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

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

16 In this case, the skills, abilities, and job
17 duties required for the assigned work are similar to
18 those already possessed and performed by AT&T
19 Southeast service representatives. It is unlikely
20 that an arbitrator would conclude that the addition
21 of the new work constituted a "restructuring" or
22 "redefinition" of the title.

1 Rather, an arbitrator would likely
2 conclude that the reassigned work was not
3 restructuring, but instead was simply requiring a new
4 system -- requiring new systems and terminology.
5 President Barlow also refers to the arbitration case
6 won by CWA District 6 in similar circumstances.
7 However, that case involved a different issue,
8 differential pay for performing a higher rated job
9 and a different collective bargaining agreement that
10 contained language which allowed the union to
11 prevail.

12 The Appeals Committee believes that these
13 cases are sufficiently different from one another to
14 preclude the application of the District 6 case to
15 the current grievance. Accordingly, the Appeals
16 Committee recommends that the decision of the
17 Executive Board be upheld and the appeal of Local
18 3204 President Edmund Barlow be denied.

19 CHAIRMAN SHELTON: Is there any
20 discussion? Seeing no one coming to a microphone --
21 at least I hope, what's before you is the Appeals
22 Committee recommendation on Appeal Number 3. All

1 those in favor, please raise your hand. Down hands --
2 opposed by like sign. The motion carries.

3 MS. GAMBINI: Appeal number --

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

8 MS. KRUEGER: Hello again President
9 Shelton, delegates, and guests. The Credentials
10 Committee would like to report credentials in
11 category 2 properly executed, but late for the
12 following Locals -- 1158, 1106, 1133, 4100, 6311,
13 6355, 84101. The committee moves that these
14 delegates be seated.

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

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

21

22 Appeal Number 5: the Chair recognizes

1 President Sarah Harreus.

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

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

20 Member Synal had approximately 15 years of
21 service in April of 2016. To avoid layoff, member
22 Synal bumped into another position. In August of

1 2016, the company disqualified her from the bumped
2 position causing her to be separated from the
3 payroll.

4 The union grieved her disqualification.
5 During the grievance, member Synal accepted the
6 severance package offered to employees under the
7 closure agreement.

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

19 The General Waiver and Release included a
20 list of causes of action released which included
21 claims that the company had violated any type of
22 labor contract. Thus, not only had the union released the

1 company in the closure agreement, but also Synal expressively
2 and clearly waived her right to bring any claim
3 against the company arising from her employment or
4 removal from the payroll under the closure agreement.

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

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

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

22 CHAIRMAN SHELTON: Is there a second? The

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

8 MS. GAMBINI: I will read Appeal Number 6.
9 CWA Local 3204 President Edmund Barlow and member
10 Robin McClam have appealed the decision of the CWA
11 Executive Board regarding a grievance involving the
12 termination of member Robin McClam for benefits
13 fraud.

14 The Executive Board upheld the decision of
15 President Shelton not to arbitrate this grievance.
16 The appeal is timely and properly before the
17 Presidents Meeting. Member McClam was a Multi-Media
18 Technician employed by AT&T Southeast.

19 She had 30 years of service. Member
20 McClam was diagnosed with benign paroxysmal
21 positional vertigo which means that she suffers from
22 episodes of dizziness and the sensation of spinning

1 with certain head movements.

2 She applied for and was granted
3 intermittent FMLA for this condition. The absence
4 record over the past 5 years, 2013 to 2017, indicates
5 that member McClam exhibited a pattern of taking
6 approved illness, including two weekend days with the
7 8th day being a vacation day or other excused absence
8 day.

9 Using vacation or other excused absence day
10 on the 8th day of the absence prevents the employee
11 from going out on disability. The documents
12 substantiate this pattern occurred 26 times between
13 2013 and 2017.

14 Because of this pattern the company
15 surveilled member McClam on three days during the
16 hours that she was scheduled to be at work. After
17 she had called in and stated that she could not work
18 due to her FMLA covered condition, she was observed
19 walking, driving to several non-urgent locations,
20 sitting, entering, exiting buildings, filling out
21 paperwork, carrying grocery bags, and speaking with
22 her landscapers.

1 The company had a doctor who specializes
2 in occupational medicine review the surveillance
3 video tape, and her opinion was that while Miss McClam
4 was engaged in these activities, she showed no signs
5 of suffering from the condition with which she was
6 diagnosed.

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

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

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

22 Further, it is not believable that she

1 suffered this condition in a similar pattern 26 times
2 between 2013 and 2017. An arbitrator would find that
3 the company had just cause for discharge.

4 Accordingly, the Appeals Committee recommends that
5 the decision of the Executive Board be upheld and the
6 appeal of Local 3204 President Edmund Barlow be
7 denied.

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

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

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

1 properly before the Presidents Meeting.

2 Member Walter, a sales consultant working
3 in Dayton, Ohio -- she was hired on October 10th,
4 2009. Prior to the incident at issue, member Walter
5 had been disciplined three times for cell phone
6 violations.

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

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

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

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

6
7 President Frazier argued that this comment
8 referred to her tardiness, however the comment
9 obviously addressed her continued improper cell phone
10 use. For these reasons the Appeals Committee
11 recommends that the Executive Board's decision be
12 upheld and the appeal of Local 4322 President Daniel
13 Frazier be denied.

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

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

20 President Shelton, Secretary-Treasurer
21 Steffens, Executive Board members, Appeals Committee
22 members, staff, and delegates. I rise to speak on the

1 appeal at hand. The grievant in this case, Brittnay
2 Walter, is a member of my Local 4322, but this issue
3 belongs to everyone in this room who represents CWA
4 members at AT&T.

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

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

19 However, the statement that she was heard
20 by the manager still talking on the phone when she
21 re-entered the work floor is not accurate, and no
22 evidence exists in the case file or anywhere else to

1 my knowledge to support this contention.

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

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

16 And it does not indicate in any way that
17 she was on her cell phone while on the work floor
18 because that simply never happened. The facts are
19 that Brittnay's manager observed her out in the
20 hallway which is supported by the statements made by
21 this very same manager during this meeting where the
22 discipline was administered.

1 The manager went out into the hallway
2 looking for Brittany when she noticed that she was
3 not at her desk at the start of her tour. All
4 interactions between Brittany and her manager prior
5 to her concluding the call, and then going back onto
6 the sales floor to log in took place out in the
7 hallway -- that's where the statement was made.

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

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

22 It puts every one of our AT&T members

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

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

9 CHAIRMAN SHELTON: You can ask the
10 question from there.

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

14 CHAIRMAN SHELTON: Someone has a question?

15 MR. MURRAY: If anyone does.

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

22 MR. EMBRY: Matthew Embry, Local 3310,

1 Louisville, Kentucky, President. My question is that
2 the gentleman at the "Against" mic stated that
3 there's no evidence in the grievance file stating
4 that she was actually witnessed on the floor speaking
5 on the phone, yet the Appeals Committee says that
6 there was evidence. Can you elaborate specifically
7 what evidence in the grievance file shows that she
8 was, in fact, on the floor speaking on her cell
9 phone?

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

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

21 MS. GAMBINI: Yes, but with the history of
22 this member and her past violations of cell phone

1 improper use over the past years we took that into
2 consideration.

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

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

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

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

21 MR. JOHNSON: Thank you.

22 CHAIRMAN SHELTON: The delegate at the

1 "Questions" microphone?

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

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

10 MS. PACKER: Thank you.

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

13 CHAIRMAN SHELTON: Again on the
14 "Questions" microphone?

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

21 MS. GAMBINO: Correct, she did not log in
22 until 11:16.

1 MS. MCLEROY: Okay so she was not on the
2 company's payroll when she was on the cell phone call
3 correct?

4 MS. GAMBINI: She was not on company
5 payroll.

6 MS. MCLEROY: Thank you.

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

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

17 So I just wondered if an incorrect
18 assumption is being made by the quote that you read
19 that she was on the phone in the workplace -- that's
20 her explanation for why didn't you go to the boss and
21 say, "Boss, this is why I'm logging in 16 minutes
22 late, it's because I was out in the hall talking to

1 my sick child on my cell phone when indeed the boss
2 already knew that, so she's explaining why she didn't
3 go tell her boss that, just went to her desk and
4 logged in. That's how it felt to me.

5 MR. MURRAY: And that is correct.

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

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

16 CHAIRMAN SHELTON: You're entitled to
17 another question.

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

21 MS. GAMBINI: Yes, per the investigatory
22 notes.

1 MS. IRWIN: Thank you.

2 MS. GAMBINI: And the additional
3 discipline that she had had after.

4 CHAIRMAN SHELTON: The delegate at the
5 "Against" microphone you still have a minute and 13
6 seconds left if you'd like to speak.

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

15 She concluded the call. Because she had
16 been disciplined prior; she had issues with cell phone
17 usage before on the floor now, not out in the hallway.
18 That's why her manager Janelle Harris made that smart
19 remark to her about, "I know that's not you on the
20 phone, that's not the reason you're tardy." That's
21 what that statement made -- and that was made out in
22 the hallway.

1 Brittany knew better than to walk in with
2 her phone, you know, talking on it -- she knows
3 better than that. She concluded the call, 15 to 16
4 minutes late to work that day -- that's all it was.
5 She never had the phone out on the sales floor, and
6 there's no supporting documentation or evidence to
7 that end.

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

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

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

19 Secondly, was there additional witnesses,
20 additional supervisors, additional co-workers that
21 were present during the allegation of this incident
22 taking place? We had heard that there's no

1 surveillance, but if it's a work area, or work space
2 there had to have been other people that were around
3 that could have contributed to the investigation, and
4 if they weren't interviewed then I would say that's
5 not a proper and thorough investigation by the
6 company.

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

16 CHAIRMAN SHELTON: So seeing no one
17 heading towards a microphone, you have before you the
18 Appeals Committee recommendation in Appeal Number 7.
19 All those in favor please raise your hand. Those
20 opposed -- the motion doesn't carry. That's it.

21 So that concludes the appeals that are
22 before you. I'd like to thank the Appeals Committee,

1 they did a great job. And I'd like to -- so there is
2 a delegate at the "Questions" mic, and because of the
3 nature of what she's going to do, I'm going to allow
4 it, although we shouldn't be doing this according to
5 the Constitution at the Presidents Meeting, but the
6 delegate at the "Questions" mic please identify
7 yourself.

8 MS. WOJTOWICZ: Shari Wojtowicz, 7250.
9 Thank you, President Shelton. Two things -- we have a bus
10 leaving tomorrow morning at 5 o'clock to do a
11 mobilization activity rally with the DirectTV folks
12 and enlist people into our Legacy T contract.

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

19 Every time we get together we've been
20 holding a 50/50 raffle to help raise money for the
21 brothers and sisters of CWA in Puerto Rico, and we'll
22 continue to do that until the federal government

1 provides them the relief that they are entitled to or
2 they should be entitled to as United States citizens.

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

9 CHAIRMAN SHELTON: \$550.

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

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

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

22 CHAIRMAN SHELTON: There is a motion to

1 adjourn. Just before we adjourn, I have one quick
2 announcement. After adjournment we are going to have
3 Secretary-Treasurer Sara Steffens give a financial
4 report. I would ask that you all stay for that. I
5 can't allow the folks that are lined up at the
6 "Questions" mic because as I read at the beginning of
7 this meeting, the only thing that we are able to do
8 constitutionally at the Presidents Meeting is
9 appeals.

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

15 There's a challenge to the ruling that the
16 delegate is out of order. So the delegate is out of
17 order because it's unrelated to the business that
18 we're here for and that we already have a motion to
19 adjourn, which takes precedence; so I would ask the
20 delegate to take his seat. George, you can say
21 whatever you want after the meeting is adjourned,
22 just let's get the meeting adjourned because the

1 Constitution says that the only thing we can do at
2 this meeting is appeals, and I can't change that --
3 that's what the Constitution says.

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

12 (Whereupon the meeting was adjourned at
13 10:42 a.m.)

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