

Date: June 5, 2020

Case: CWA Presidents Meeting



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CWA Presidents Meeting
Communication Workers of America
501 3rd Street, N.W.
Washington, D.C. 20004

VIRTUAL MEETING
Friday, June 5, 2020
12:00 P.M.

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

2 (2:30 p.m.)

3 PRESIDENT 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 executive order
7 decisions issued to date. That is the only business
8 before this meeting.

9 Thirty minutes after the adjournment of
10 this meeting, we will be conducting a meeting to
11 discuss the finances of the union. Next, we will have
12 the playing of the National Anthems.

13 (Playing of National Anthems)

14 I now would like to recognize the
15 International Executive Board. As I call your name,
16 we will request you to open your video. Please wave
17 hello to the delegates. Sara Steffens, Secretary-
18 Treasurer; Dennis Trainor, Vice President District
19 1; Edward Mooney, Vice President District 2-13;
20 Richard Honeycutt, Vice President District 3; Linda
21 Hinton, Vice President District 4; Claude Cummings,
22 Vice President District 6.

1 Brenda Roberts, Vice President District 7;
2 Frank Arce, Vice President District 9; Martin
3 O'Hanlon, President CWA Canada; Lisa Bolton, Vice
4 President Telecom and Technology; Margaret Cook,
5 Vice President Public Workers; Charles Braico,
6 President NABET-CWA; Jon Schleuss, President
7 TNG-CWA; Carl Kennebrew, Division President IUE-CWA;
8 Sara Nelson, Sector President AFA-CWA.

9 Carolyn Wade, At-Large Diversity Board
10 Member Northeastern Region; Vera Mikell, At-Large
11 Diversity Board Member Southeastern Region; Dante
12 Harris, At-Large Diversity Board Member Western
13 Region; Erika White, At-Large Diversity Board Member
14 Central Region. This is your International Executive
15 Board.

16 Next, I'll introduce the Credentials
17 Committee, but first I want to review the procedures
18 for the use of the virtual microphones. The "Motions"
19 microphone is for delegates to make motions.
20 Remember, motions in this meeting are recommendations
21 on appeals.

22 When the Appeals Committee recommends a

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1 decision, that is considered to be both the motion
2 and a second because the Committee is made up of more
3 than one person. Will the Parliamentarians please
4 open your video and wave hello as I call your name
5 and describe your role in today's Presidents
6 Meeting?

7 Pat Shea, General Counsel, is our Chief
8 Parliamentarian. Amy Young, District 1 Council, is
9 our Motions Parliamentarian. There is a virtual
10 microphone designated as the "Motions" microphone.
11 Use it to make a motion. If you wish to make a
12 motion, press the "Q&A" button and type the word
13 "motion," followed by the motion you wish to make and
14 hit "send." This will put you in touch with Amy
15 Young. You will be given a preliminary parliamentary
16 ruling.

17 If your motion is in order, the Chair will
18 be advised, and you will be recognized. This will
19 put you in line at the virtual motions microphone.
20 On your screen you should see the virtual microphone
21 queue.

22 Once in the line, you will see your Local

1 number and your name in the motions microphone
2 column. You will be placed in line in the order that
3 your request was received. Matt Harris, District 4
4 Council, is our Privilege Parliamentarian. There is a
5 microphone designated at the "Privilege" microphone.

6 Use it to raise a point of order, or raise
7 a point of personal privilege. If you wish to raise
8 a point of order or a point of personal privilege,
9 press the ""Q&A"" button and type the word,
10 "privilege" followed by your point of order or point
11 of personal privilege and hit "send."

12 This will put you in touch with Matt
13 Harris. You will be given a preliminary
14 parliamentary ruling. If your point of order or
15 personal privilege is in order, the Chair will be
16 advised, and you will be recognized. This will put
17 you in line at the virtual privilege microphone. On
18 your screen you should see the virtual microphone
19 queue. Once in the line, you will see your Local
20 number and your name in the privilege microphone
21 column.

22 You will be placed in line in the order

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1 that your request was received. If you disagree with
2 a preliminary ruling advise the parliamentarians.
3 They will bring that disagreement to the attention of
4 the Chair. The Chair will then make a ruling, after
5 which if there is still disagreement, the matter can
6 be placed before the delegates to determine whether
7 or not the ruling is proper, by voting on whether or
8 not to sustain the Chair's ruling.

9 To help us with who is being recognized
10 and to be sure that we follow procedures as provided
11 in the Constitution, let me introduce the people who
12 will be answering your messages from the floor
13 against some questions microphones. They advise the
14 Chair to recognize you.

15 Please open your video and wave to say
16 hello as I call your name and describe the use of the
17 virtual microphone that you have been assigned.
18 Richard Hatch, District 2-13 Staff Representative,
19 will be at the "For" microphone. Use it to be
20 recognized to speak for any motion or issue before
21 the Presidents Meeting.

22 If you wish to speak for any motion, press

1 the "Q&A" button and type the word "for" and hit
2 "send." This will put you in touch with Richard
3 Hatch.

4 Mike Hanley, District 4 Representative,
5 will be at the "Against" microphone. Use it to speak
6 against any motion or issue before the Presidents
7 Meeting. If you wish to speak against any motion,
8 press the "Q&A" button and type the word "against" and
9 hit "send." This will put you in touch with Mike
10 Hanley.

11 Tonya Hodges, District 1 Staff
12 Representative, will be at the "Questions" microphone.
13 Use it for the purpose of asking questions to clarify
14 an issue before the Presidents Meeting or to get
15 information. If you wish to ask a question, press
16 the "Q&A" button and type the word "questions"
17 followed by your question and hit "send."

18 Each delegate is entitled to ask up to two
19 questions when at the microphone. This will put you
20 in touch with Tonya Hodges. We will use these
21 microphones under our rules. In rotation, the
22 movement will be from the motions microphone to the

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1 next delegate in line to speak at the against
2 microphone.

3 The maker of a motion may speak for their
4 motion from the motions microphone, and that is
5 counted as a for speaker. The rotation also includes
6 the questions and the privilege microphone for
7 questions or points of privilege or points of order.
8 The rotation continues until at least two people have
9 had an opportunity to speak both for and against the
10 motion, after which a motion to close debate is in
11 order.

12 Under our rules, there is a five-minute
13 limit on any speech. There is a digital clock that
14 will be shared on the screen that indicates how much
15 time you have remaining to speak. The delegate's
16 microphone will automatically turn off at five
17 minutes. CWA staff assisting with the time clock's
18 during this meeting are Jeff Lacher, District 7
19 Staff Representative and Biruk Assefa, Human Rights
20 Campaign Lead.

21 When you entered into the meeting, your
22 participant name was reformatted with your Local

1 number, first name and last name. For example, 5001
2 John Doe. When using the "Q&A" message system to
3 resume, your message will appear after your
4 participant name in the order it was received.

5 You will be recognized in the order called
6 for under our rules. During the course of our
7 Virtual Presidents Meeting, this meeting will be
8 transcribed, and a verbatim record is kept. A
9 complete set of proceedings will be emailed to you.
10 You will have 30 days to review the record and report
11 to us any errors you may wish to have corrected.

12 At this time, I recognize the Credentials
13 Committee Chair, Marge Kruger, for the purposes of
14 presenting the report of the Credentials Committee.

15 MS. KRUGER: Good morning, President
16 Shelton and delegates. I am pleased to announce on
17 behalf of the Credentials Committee that the
18 Committee has registered 288 delegates to this
19 Presidents Meeting. The Committee appreciates the
20 assistance rendered by the Secretary-Treasurer's
21 Office, especially the help of Information Services
22 -- excuse me a minute.

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1 Especially the House of Information
2 Services, with the assistance of the two departments
3 mentioned, we are continuing to improve service to
4 our delegates. Since our last convention, new
5 Locals have been added to our ranks. These Locals
6 are 3965, 3465, 6002, 4299, 3146, 39213, 3365, 7799,
7 and 83226. Let us welcome them.

8 We will be reporting on credentials in the
9 following categories: Category 1 -- those
10 credentials properly executed and received on time;
11 Category 2 -- credentials properly executed but
12 late; Category 3 -- improperly executed; Category
13 4(a) -- Proxy credentials properly executed but late;
14 Category 4(b) -- Proxy credentials improperly
15 Executed;

16 Category 5 -- unusual circumstances.
17 There are 288 credentials in Category 1, six
18 credentials properly executed and on time. The
19 Committee moves that these delegated be seated.

20 PRESIDENT SHELTON: Thank you, Marge. A
21 motion has been made and seconded to seat the
22 delegates. I recognize Delegate Dolan, Local 3603, on

1 the motions microphone.

2 MR. DOLAN: Can you hear me? Can you hear
3 me, I'm sorry.

4 PRESIDENT SHELTON: Yes.

5 MR. DOLAN: Okay. I would like to make a
6 motion to combine appeals one and two where we
7 can read them and vote on them as one.

8 PRESIDENT SHELTON: Delegate Dolan, the
9 Parliamentarians have ruled your motion out of order
10 because it amends the report of the Constitution
11 Committee.

12 MR. DOLAN: Okay, thank you.

13 PRESIDENT SHELTON: I recognize Delegate
14 Holly Sorey from Local 4202 on the against
15 microphone.

16 MS. SOREY: Thank you, President Shelton.
17 You already ruled that motion out of order, so I'm
18 fine at this time.

19 PRESIDENT SHELTON: I'm sorry Delegate
20 Sorey, we couldn't hear you.

21 MS. SOREY: I'm sorry. I said you already
22 ruled Delegate Dolan out of order on his motion, so

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1 I'm okay.

2 PRESIDENT SHELTON: Thank you. I
3 recognize Delegate Middleton from Local 1180 on the
4 motions mic.

5 MS. MIDDLETON: Hi, I move to accept the
6 report of the Credentials Committee.

7 PRESIDENT SHELTON: So we're back on the
8 original motion. I recognize Delegate Jones from
9 Local 3611 on the for mic. Delegate Jones?

10 MR. JONES: (Indistinguishable).

11 PRESIDENT SHELTON: I can't hear you,
12 Delegate Jones.

13 MR. JONES: I respectfully withdraw from
14 the call. I was with the motion for --

15 PRESIDENT SHELTON: We couldn't hear
16 Delegate Jones, but being he's on the for mic, I have
17 to think that he's for the original motion, which is
18 to seat the delegates. And seeing there are no other
19 delegates wishing to speak on the motion, a motion
20 has been made and seconded to seat the delegates. In
21 a moment, you will see a poll on your screen to vote
22 on the motion to seat the delegates.

1 This poll is taking the place of our
2 normal show of hands vote. You will have one minute
3 to cast your vote. All of those in favor of seating
4 the delegates, indicate by casting a "yes" vote and
5 hit submit. Likewise, all those opposed to seating
6 the delegates, indicate by casting a "no" vote and hit
7 submit. Please cast your vote now.

8 Any delegates having trouble viewing the
9 poll, please press "Q&A" and type "no poll," and
10 someone will respond to your request. Please
11 display the results of the vote. Here are the results
12 of the vote on the motion to seat the delegates. The
13 motion passes.

14 I recognize the Credentials Chair for the
15 rest of the report.

16 MS. KRUEGER: Thank you, Chris. There are
17 no credentials in Category 2, 3, 4a, 4b, or 5. Those
18 delegates, other than Category 1, who have not been
19 seated by the action of this Presidents Meeting may
20 present themselves to the Committee by going to the
21 CWA website to obtain the instructions on how to get
22 their credentials to register for admittance to this

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1 virtual Presidents Meeting webinar.

2 Mr. President and delegates, this
3 completes the Committee's report at this time. Thank
4 you.

5 PRESIDENT SHELTON: A motion has been made
6 and seconded for adoption of the Credentials
7 Committee report. Seeing there are no other
8 delegates wishing to speak on the motion, a motion has
9 been made and seconded to adopt the Credentials
10 Committee report. In a moment you will see a poll on
11 your screen to vote on the motion to adopt the
12 Credential Committee's report. This poll is taking the
13 place of our normal show of hands vote. You will have
14 one minute to cast your vote.

15 All those in favor of adopting the
16 Credential Committee's report, indicate by casting a
17 "yes" vote and hit submit. Likewise, all those opposed
18 to adopting the Credential Committee's report,
19 indicate by casting a "no" vote and hit submit. Please
20 cast your vote now. Any delegates having trouble
21 viewing the poll, please press "Q&A" and type "no
22 poll," and someone will respond to your request.

1 Please display the results of the vote.
2 Here are the results of the vote on the motion to
3 adopt the Credential Committee's report. The motion
4 passes. The report is accepted. I'd like to thank
5 the Credentials Committee for their hard work.

6 Now, I would like to introduce the Appeals
7 Committee. As the Appeals Committee prepares to report
8 virtually, I would like to report on the cases that
9 the 2018 Presidents Meeting and the 2019 Convention
10 ordered arbitrated.

11 In 2018, the Presidents Meeting ordered
12 that CWA arbitrate the case of Barry Hill, a member
13 of Local 2108. Marilyn Irwin, President of Local
14 2108, appealed the Executive Board's denial of the
15 case for arbitration to the 2018 Presidents Meeting
16 where delegates ordered that the case be arbitrated.

17 The case involved interpretation of the
18 collective bargaining agreement with Verizon.
19 Between April 13 and May 31, 2016, member Hill joined
20 his Union brothers and sisters on the picket line.
21 Prior to the strike in January 2016, member Hill had
22 been placed on step three of Verizon's Regional

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1 Attendance Plan, RAP, due to absences.

2 Before the strike, his target date for
3 regression to step two of RAP was June 28, 2016. On
4 June 22, 2016, however, management informed member
5 Hill that his target date had been extended to
6 August 15, 2016. Member Hill was absent from work
7 from July 28 to August 22, 2016, resulting in his
8 progression to step four and a 15-day suspension.

9 Member Hill grieved the extension of his
10 target date from June 28 to August 15, 2016, arguing
11 that moving the target date from missing work due to
12 the strike violated the Collective Bargaining
13 Agreement.

14 Had his target date not been moved, member
15 Hill argues he would not have been suspended
16 following his absence between July 28 and August 22,
17 2016. Verizon refused to arbitrate, claiming the
18 grievance was "substantially not arbitrable." After
19 the Presidents Meeting ordered this case to be
20 arbitrated, CWA renewed its attempts to arbitrate
21 this case.

22 Verizon continued to resist. Finally, the

1 Union was forced to take member Hill's dispute to the
2 United States District Court for the District of
3 Maryland, arguing that Verizon should be compelled to
4 arbitrate the grievance.

5 In November 2019, the District Court
6 ordered Verizon to arbitrate the case. Ultimately,
7 with the consent of the local and the grievant, the
8 case was settled with Verizon, paying the grievant
9 five days' pay.

10 In 2019, the Convention ordered that the
11 case of Keith Coleman, a member of Local 2108 be
12 arbitrated. Local 2108 President Marilyn Irwin had
13 appealed the Executive Board's denial of the case for
14 arbitration to the 2019 Convention where delegates
15 ordered that the case of Keith Coleman be arbitrated.

16 The case involved Mr. Coleman's separation
17 from Verizon due to Verizon's claim that it could not
18 find suitable employment for him after his medically
19 restrictive leave of absence expired. After the
20 Convention ordered that the case be arbitrated, the
21 Union reached out to Verizon in order to schedule the
22 case.

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1 While Verizon initially resisted
2 arbitration, it ultimately agreed to arbitrate the
3 case and is now scheduled to be heard on June 18,
4 2020. At this time, I would like to introduce the
5 Appeals Committee. Please open your video and wave
6 hello as I call your name.

7 James Ryan, President of CWA Local 13101,
8 Chair; David Weidlich, Jr., President of CWA Local
9 1298; Rodney Hughes, President of CWA Local 3607; Kim
10 Liska, Secretary-Treasurer of CWA Local 4302;
11 Kimberly Humphrey, President of CWA Local 6450.

12 I'd like to call on CWA Local 13101
13 President Jim Ryan, the Chair of the Appeals
14 Committee, to start the Appeals Committee report.

15 MR. RYAN: Thank you, President Shelton.
16 The Appeals Committee convened May 21, 2020 via Zoom,
17 for the purpose of receiving and disposing of appeals
18 in accordance with the CWA Constitution and the
19 Internal Appeals Procedures of the Union, as
20 established by prior Conventions and the Executive
21 Board.

22 The Committee was available to meet with

1 interested parties on June 3, 2020, and June 4, 2020,
2 between the hours of 2:00 p.m. through 6:00 p.m. by
3 appointment. Also, outside of these hours, the
4 Committee was available to meet with appellants by
5 appointment.

6 We thank the Committee members, Jim Ryan,
7 President CWA Local 13101, Chair; David Weidlich, Jr.
8 --

9 MS. KRUGAR: Hi, it's Marge. You realize
10 we have to do a supplemental, right? Okay. Yeah.

11 MR. RYAN: David Weidlich, Jr., President,
12 CWA Local 1298; Rodney Hughes, President, CWA Local
13 3607; Kimberly Humphrey, President, CWA Local 6450;
14 and Kim Liska, Secretary-Treasurer, CWA Local 4302,
15 for their hard work and the time they devoted to
16 these appeals.

17 Also, the Committee thanks John Dempsey,
18 Staff Representative, CWA District 1, for his support
19 and assistance. Reading Appeal #1, Brother
20 Dave Weidlich.

21 MR. WEIDLICH: Appeal 1 -- on March 13,
22 2020, CWA Local 4202 President, Holly Sorey, appealed

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1 the CWA Executive Board's decision not to arbitrate
2 the local's grievance alleging that AT&T Mobility
3 assigned bargaining unit work to non-bargaining unit
4 employees.

5 This appeal is timely and properly before
6 the 2020 Presidents Meeting. The issue presented in
7 this case is identical to Appeal #2. On April
8 21, 2015, AT&T Mobility bargaining unit member,
9 Richard Del Baccio, an information systems technician,
10 IST, filed a grievance alleging that management
11 performed bargaining unit work when a manager holding
12 the title of senior specialist, client tech
13 administrator or CTA, imaged and set up a retail
14 store manager's new computer.

15 After the grievance was filed, Local 4202
16 broadened the scope of its allegation to include any
17 computer technology work performed by CTA's in retail
18 stores. The evidence shows that the work at issue,
19 whether the single incident of setting up a
20 manager's computer, or all the computer technology
21 network -- technology work performed at AT&T's
22 Mobility retail stores, was shared work and not

1 exclusively performed by the bargaining unit.

2 President Sorey informed the Appeals
3 Committee that management employees had been
4 performing this work since at least 2005. The
5 Company's job posting for CTA, dated September 2013,
6 includes the task of "configurations for desktop" as
7 well as general computer technology functions in
8 retail stores, showing that the Company was openly
9 assigning this work to the management title.

10 President Sorey argued that by assigning
11 the computer technology work to CTAs in addition to
12 ISTs, the Company violated the Letter of Agreement
13 five -- LOA5, in the 2013 Orange contract and the
14 2009 arbitration award issued by Arbitrator Ralph
15 Berger.

16 As pointed out by the Executive Board,
17 LOA5 applies to contractors, not managers, performing
18 bargaining unit work. This grievance does not
19 address contractors, therefore, LOA5 is inapplicable.
20 The Berger award does not assist the Union's case.

21 The Union prevailed before Arbitrator
22 Berger in the prior case because it could show that

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1 the work at issue in that grievance had been
2 exclusively performed by the bargaining unit.
3 Additionally, the Union filed the grievance as soon
4 as some part of that work was assigned to the
5 management title.

6 In this case, the local does not contest
7 that management has been openly performing computer
8 technology work in retail stores for at least 10
9 years before the 2015 grievance was filed. Work
10 traditionally performed by managers as well as the
11 bargaining unit employees, is not protected by the
12 recognition clause.

13 For these reasons, the Union cannot
14 prevail in an arbitration. Regarding the allegations
15 of contracting in 2019, the Executive Board properly
16 determined that such allegations cannot be appended
17 to the grievance here, but must be addressed through a
18 new grievance. The Union has no basis upon which to
19 prevail in arbitration.

20 For these reasons, the Appeals Committee
21 recommends that the Executive Board's decision be
22 affirmed and that the appeal of President Sorey be

1 denied.

2 PRESIDENT SHELTON: A motion has been made
3 and seconded to adopt the Appeals Committee
4 recommendation on Appeal Number 1. I recognize on
5 the against microphone, Delegate Sorey from Local
6 4202.

7 MS. SOREY: Thank you, President Shelton.
8 I'd like to address, first, these are not identical
9 cases. These are two separate cases. The one stands
10 on motive of the individual without bargained work --
11 jobs being performed by management.

12 Secondly, this case was filed -- both of
13 these cases were filed under Articles 1, 2, 7, 26 and
14 LOA5. Third, we have not stated that this job was
15 being performed since 2005 by management. We stated
16 that it was being performed by contractors that,
17 somewhere back in 2015, got hired into AT&T Mobility
18 as employees, and that's when we discovered what was
19 going on.

20 So, I don't think the gist of this
21 grievance has been, I guess understood. And, I
22 explained that when I did talk to the Committee -- to

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1 the Appeals Committee, that it was a contractor that
2 was performing the work, and they got hired in after
3 -- as management, after AT&T Mobility tried to
4 surplus our member Juan Castro.

5 And then the company rescinded the surplus,
6 and shortly after that, that's when we were at
7 bargaining, when we found out there were hundreds of
8 these members -- hundreds of these managers
9 performing that work.

10 And also, on the second part, as far as
11 this, does not state in Ralph Berger's decision that
12 states that as long as the work is regularly and
13 customarily performed by bargaining unit. It does
14 not say exclusively anywhere. This was a win that was
15 very similar in nature, except for the job titles are
16 different between CSR's and information systems tech.

17 Ralph Berger awarded this to a Union
18 sister and also a Bargaining Committee member, Julie
19 Daloisio, President of Local 13500 out of District
20 2-13. So this is very similar, except for their job
21 titles are different. These are not identical cases.
22 So, I am requesting that this appeal does be approved

1 and go to arbitration because management has not been
2 proved doing these jobs since 2005. That is not
3 correct at all.

4 And we found out that also management -- I
5 found out when we were in bargaining in 2017, the
6 in-house solutions -- this is exactly like that, and
7 we knew that Trump was in office, and we wouldn't get
8 this approved by the NLRB, so we decided at
9 bargaining, to go ahead and send these through the
10 grievance process.

11 So I'm not understanding what the Appeals
12 Committee is not understanding. This is what we
13 decided to do. We just got a letter from this
14 Jeff McElfresh from AT&T Communications, the CEO,
15 that is stating that there's more changes to come in
16 IT systems, with information systems techs as well as
17 their network.

18 We are trying to preserve these jobs here.
19 We'll be lucky if I get two to three members if this
20 were to go to arbitration on appeal. We're losing
21 hundreds of jobs -- hundreds to management. This is
22 the new thing they're doing. They're taking all of

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1 our work, putting it into management, into in-home
2 solutions; it just keeps going on and on.

3 If we don't take a stand in some of these
4 cases, we ain't going to have crap, especially after
5 this Mobility AT&T. And I think it's time we take a
6 stance because -- not for the status, recognition of
7 the establishment and the unit in regards to rates
8 of pay. CSR's are listed as covered employees with
9 dependent's pay. It is well established when I bring
10 into recognition, folks, that the employer not only
11 recognize the Union as the exclusive bargaining agent
12 representative of all covered employees, but it also
13 recognizes the work customarily and regularly
14 performed by those employees in the bargaining unit.
15 For this reason, when an employer unilaterally
16 attends, transfers bargaining unit work to my
17 bargaining unit employees, such actions are deemed to
18 violate the party's recognition, absent a language
19 authorizing assignment.

20 It also goes on to state as surplus in the
21 recognition clause alone prohibits the removal of
22 bargaining unit folks. It also states that if we

1 allow this rendering specifications unnecessary if we
2 go on to do that. So, I would ask if the Appeals
3 Committee even went ahead and read through the --
4 (beeper going off).

5 PRESIDENT SHELTON: Your time is up
6 delegate. Seeing there are no other delegates
7 wishing to speak on the motion -- oh, excuse me. On
8 the motion's mic, Delegate Young from Local 4217.

9 MR. YOUNG: With 4217 --

10 PRESIDENT SHELTON: We can't hear you
11 delegate.

12 MR. YOUNG: Can you hear me now?

13 PRESIDENT SHELTON: Yep.

14 MR. YOUNG: I make a motion to close
15 debate on this appeal.

16 PRESIDENT SHELTON: Do you -- is there
17 some indication for doing that? Is there a second?

18 MR. RYAN: What's that, yeah.

19 PRESIDENT SHELTON: Actually, we don't need
20 the motion because there is no one else wishing to
21 speak. Thank you, Delegate Young. A motion has been
22 made and seconded.

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1 (Pause.)

2 PRESIDENT SHELTON: Okay. A motion has
3 been made and seconded to adopt the Appeals
4 Committee's recommendation on Appeal #1. In a
5 moment, you will see a poll on your screen to vote on
6 the Appeals Committee's recommendation on
7 Appeal #1.

8 This poll is taking the place of our
9 normal show of hands vote. You will have one minute
10 to cast your vote. All those in favor of the Appeals
11 Committee's recommendation on Appeal #1,
12 indicate by casting a "yes" vote and hit submit.
13 Likewise, all those opposed to the Appeals
14 Committee's recommendation on Appeal #1,
15 indicate by casting a "no" vote and hit submit. Please
16 cast your vote now.

17 Any delegate having trouble viewing the
18 poll, please press "Q&A" and type "no poll," and
19 someone will respond to your request. Please display
20 the results of the vote. Here are the results of the
21 vote on the Appeals Committee recommendation on
22 Appeal #1. The motion fails. We will

1 arbitrate.

2 I recognize the Chair of the Committee to
3 continue with their report.

4 MR. RYAN: Reading Appeal #2, Brother
5 Rodney Hughes.

6 MR. HUGHES: On March 13, 2020, CWA Local
7 4202, President Holly Sorey, appealed the CWA
8 Executive Board's decision not to arbitrate the
9 Local's grievance, alleging that AT&T Mobility
10 assigned bargaining unit work to non-bargaining unit
11 employees.

12 This appeal is timely and properly before
13 the 2020 Presidents Meeting. The issue presented in
14 this case is identical to Appeal #1. On April
15 21, 2015, AT&T Mobility bargaining unit member
16 Richard Del Boccio, an information systems technician
17 (IST), filed a grievance alleging that management
18 performed bargaining unit work for the management
19 holding the title of Senior Specialist Client Test
20 Administrator (CTA) in which he set up a retail store
21 manager's new computer.

22 After the grievance was filed, Local 4202

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1 broadened the scope of this allegation to include any
2 computer technology work performed by the CTA's in
3 retail stores. The evidence shows that the work at
4 issue, whether the single incident of setting up a
5 manager's computer or all the computer technology
6 work performed in the AT&T Mobility retail stores,
7 was shared work, and that was not exclusively
8 performed by the bargaining unit.

9 President Sorey informed the Appeals
10 Committee that management employees have been
11 performing this work since at least 2005. The
12 Company's job posting for CTA, dated September 2013,
13 includes the task of configuration for desktops, as
14 well as general computer technology functions in
15 retail stores.

16 The Company was openly assigning this work
17 to the management title. President Sorey argues that
18 by assigning computer technology work to the CTA's in
19 addition to the IST's, the Company violated the Letter
20 of Agreement (LOA5) in the 2013 Board's contract and
21 the 2009 arbitration award issued by arbitrator Ralph
22 Berger. As reported out by the Executive Board, LOA5

1 applies to contractors, not managers, performing the
2 bargaining unit work.

3 This grievance does not address
4 contractors, therefore LOA5 is inapplicable. The
5 Berger award does not assist the Union's case. The
6 Union prevailed before the arbitrator Berger in the
7 prior case because it could show that the work at
8 issue in that grievance has been exclusively performed
9 by the bargaining unit.

10 Additionally, the Union filed the
11 grievance as soon as some part of that work was
12 assigned to the management title. In this case, the
13 local does not contest that management has been
14 openly performing the computer technology work in
15 retail stores for at least 10 years, before the 2015
16 grievance was filed.

17 Work traditionally performed by management
18 as well as bargaining unit employees is not protected
19 by the recognition clause. For these reasons, the
20 Union cannot prevail in arbitration. Regarding
21 allegations of contracting in 2019, the Executive
22 Board properly determined that such allegations cannot
23 be appended to the grievance here, but must be

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1 addressed through a new grievance.

2 And we have no basis upon which to prevail
3 in arbitration. For these reasons, the Appeal
4 Committee recommends that the Executive Board's
5 decision be affirmed and the appeals of President
6 Sorey be denied.

7 PRESIDENT SHELTON: A motion has been made
8 and seconded to accept the recommendation of the
9 Appeals Committee. I recognize Delegate Sorey from
10 Local 4202 on the against mic.

11 MS. SOREY: Thank you again, President
12 Shelton. Again, Brothers and Sisters, I want to
13 point out to you that this was filed as a grievance
14 under Articles 1, 2, 7, 26 and LOA5. However, the
15 main primary reason of this is again, like
16 the likes of the award given to our sister, Julie
17 Daloisio of Local 13500.

18 I think we're missing the opportunity here
19 that Ralph Berger, the arbitrator gave to us when he
20 said that regular and customary work performed by the
21 unit. He does not say exclusive at all. So, I think
22 that point is being missed on this, and again, this

1 was not management performing this work since 2005.

2 It became management work somewhere in
3 around 2015. Prior to that, it was contract. So this
4 is where this grievance came in, where it became like
5 that of Mr. Daloisio so Arbitrator Ralph Berger
6 stated on Case Number 143000167107 between pages 13
7 and 18 of the awarded case.

8 PRESIDENT SHELTON: Delegate, sorry we
9 can't hear you.

10 MS. SOREY: Sorry about that. Okay. I'll
11 start this again. This is just like that, the case
12 that was awarded to Sister Daloisio in Local 13500.
13 The only difference is the type of work. Hers was
14 DSR, this is information systems. Ralph Berger
15 stated on page 13 through 18 of the awarded case,
16 "Recognition of the establishment of the unit
17 provides the Company recognizes the Union as the sole
18 collective bargaining agent.

19 As you know, for rates of pay wages and
20 other conditions for employment in the job title in
21 Appendix A of the Orange contract." He also
22 recognizes that work customarily and regularly

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1 performed by those employees belongs to the
2 bargaining unit. He never said exclusively in this
3 award. And I think we're missing the boat on that.

4 He gave us a great, great, win here that
5 more locals need to be utilizing out there to get our
6 damn work back because management's raping us.
7 They're taking our work down to the unit. For this
8 reason, when an employer unilaterally assigns and
9 transfers bargaining unit work to non-bargaining
10 unit, such actions are deemed to violate the party's
11 recognition clause.

12 Absent an express language authorizing
13 such a minor transfer of work. And this work fell
14 under Articles 1, 2, 7, 26 as well as LOA5.
15 Employer's assertions to the contrary cannot be
16 sustained. The absence of the expression of language
17 in the party's agreement make them all taken, the
18 exclusive work of CFR's have not authorized the
19 employer to assign this work to non-bargaining
20 Union employees as set forth above.

21 The recognition clause alone prohibits the
22 removal of bargaining unit work. If management's

1 rights or the employer's justification were able to
2 override the party's recognition clause, there would
3 be nothing -- nothing brothers and sisters, to
4 prevent the employer from transferring all of the CFR
5 functions and rendering the CFR classification
6 unnecessary.

7 The same could be held true in any job
8 title in this contract, brothers and sisters. These
9 in dispute of facts, clearly demonstrate that the
10 employer was implementing a change of assignment of
11 the bargaining unit work to which the Union had never
12 extended.

13 Brothers and Sisters, I'm here to ask you
14 to send this case to arbitration. Support this case
15 with your "no" vote. We need to keep the work. We
16 need to preserve the work for our brothers and
17 sisters. We're fighting for our lives here. You
18 need to vote "no." Do not -- do not turn this down.
19 It's got to go for arbitration. Thank you.

20 PRESIDENT SHELTON: I recognize Delegate
21 Shad Ercanbrack from Local 7026 on the question's
22 mic.

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1 MR. ERCANBRACK: Thank you, President
2 Shelton. My question was who was making the motion
3 and seconding it? And in the question and answer, it
4 was answered that it was the Committee that was
5 making it. I'm just wondering, can we please get the
6 names of the delegates who made the motion and who
7 seconded that for our records? Thank you.

8 PRESIDENT SHELTON: As I explained at the
9 outset, the Committee's recommendation is a motion
10 and a second because there is more than one person
11 on the Committee; it is the Committee that did both the
12 motion and the second. You're entitled to a second
13 question, Delegate.

14 MR. ERCANBRACK: I'm good, thank you.

15 PRESIDENT SHELTON: You're welcome.
16 Seeing there are no other delegates wishing to speak
17 on the motion, a motion has been made and seconded to
18 adopt the Appeal's Committee's recommendation on
19 Appeal Number 2. In a moment, you will see a poll on
20 your screen to vote on the Appeal Committee's
21 recommendation on Appeal #2.

22 This poll is taking the place of our

1 normal show of hands vote. You will have one minute
2 to cast your vote. All those in favor of the
3 Appeal Committee's recommendation on Appeal #2,
4 indicate by casting a "yes" vote and hit submit.

5 Likewise, all those opposed to the Appeal
6 Committee's recommendation on Appeal #2,
7 indicate by casting a "no" vote and hit submit.

8 Please cast your vote now. Any delegate
9 having trouble viewing the poll, please press "Q&A" and
10 type "no poll," and someone will respond to your
11 request. Please display the results of the vote.
12 Here are the results of the vote on the Appeal
13 Committee's recommendation on Appeal #2. The
14 motion fails, the case will be arbitrated.

15 We will now take a five minute pause
16 because we need a supplemental Credentials Committee
17 report, so we'll take a five minute pause.

18 (Five minute pause.) (Music plays.)

19 PRESIDENT SHELTON: I now recognize the
20 Chair of the Credentials Committee, Marge Krueger, for
21 the purposes of a supplemental report.

22 MS. KRUEGER: President Shelton and

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1 delegates, the Credentials Committee would like to
2 report 12 credentials in Category 2, properly executed
3 but late. We ask to move that the delegates be seated.

4 PRESIDENT SHELTON: Thank you, Marge. A
5 motion has been made and seconded to seat the
6 delegates. Seeing there are no other delegates
7 wishing to speak on the motion, a motion has been
8 made and seconded to seat the delegates. In a moment,
9 you will see a poll on your screen to vote on the
10 motion to seat the delegates. This poll is taking
11 the place of our normal show of hands vote. You will
12 have one minute to cast your vote. All those in
13 favor of seating the delegates, indicate by casting a
14 "yes" vote and hit submit.

15 Likewise, all those opposed to seating the
16 Delegates, indicate by casting a "no" vote and hit
17 submit. Please cast your vote now. Any delegate
18 having trouble viewing the poll, please press "Q&A"
19 and type "no poll," and someone will respond to
20 your request.

21 Please display the results of the vote. Here are the
22 results of the vote on the motion to seat the

1 delegates. The motion passes. The delegates are
2 seated.

3 I recognize the Chair of the Appeals
4 Committee to read -- to have the next appeal read.

5 MR. RYAN: Thank you, President Shelton.
6 Appeal 3, Syed Rahim, former President of CWA Local
7 1182, has appealed the CWA Executive Board's decision
8 to place Local 1182 under temporary administration.

9 This appeal is timely and properly before
10 the 2020 Presidents Meeting. Based on a request
11 from two local officers, the CWA Executive Board
12 approved placing CWA Local 1182 under temporary
13 administration on May 28, 2019. On June 12, 2019,
14 CWA President Shelton appointed District 7 Vice
15 President Brenda Roberts, to conduct a hearing in
16 this matter. The hearing was held in New York City
17 on September 18 and 19th, 2019, and January 14, 15
18 and 16, 2020, with Vice President Brenda Roberts
19 serving as the hearing officer.

20 The temporary administrator appointed by
21 the Executive Board hired an accountant, Michael Van
22 Sertima, to complete an audit of the Local's

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1 finances. Mr. Van Sertima testified at the hearing
2 in this matter and produced a report detailing
3 certain financial irregularities in the local Van
4 Sertima report.

5 Vice President Roberts found that
6 overwhelming evidence contained within the Van
7 Sertima report showed serious financial misconduct
8 within Local 1182. This report presents an
9 unmistakable disregard for the member's trust, the
10 local assets, and the future of the local.

11 Some of the findings during this temporary
12 administration hearing and the financial
13 investigation showed the local President was paid
14 over three times the salary of the highest paid
15 member represented by the local. Payments from Local
16 1182's treasury of over \$32,000 between October 2017
17 and May 2019, including a Land Rover, total value of
18 \$102,000 for vehicles in Mr. Rahim's name, not the
19 Local's, without authorization by the Local Executive
20 Board.

21 Nearly \$40,000 paid from Local 1182 to a
22 digital services vendor hardly created a functioning

1 website. Over \$84,000 between 2017 and 2018 in
2 bonuses paid to Local officers and employees without
3 any proper documentation or authorization, spending
4 over \$160,000 on jackets -- purchasing more jackets
5 than the Local had members, and leaving the Local
6 unable to afford to print membership cards.

7 Paying nearly \$40,000 for gas cards for
8 officers and three unidentified persons. Payment for
9 local funds for speeding tickets, tolls, public
10 transportation that had no stated Union purpose or
11 documentation. Withdrawing \$25,000 from a political
12 action fund for gift cards to distribute at a
13 membership meeting. Executive Board minutes where
14 discussions were had about emptying the bank accounts
15 before the next election to influence the election --
16 RAC of the number of membership meetings required by
17 the Local by-laws.

18 After reviewing the above irregularities
19 among many others, Vice President Roberts recommended
20 affirming the temporary administration. The argument
21 against the temporary administration described the
22 financial irregularities as minor record-keeping

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1 issues that could be corrected quickly and easily.

2 Mr. Rahim also argued the temporary
3 administration request did not meet Constitutional
4 requirements. These arguments failed due to the fact
5 that the CWA Constitution Article XIII, Section 8(b)
6 is interpreted to allow CWA to take swift and necessary
7 action to respond to urgent problems within locals
8 in order to protect the collective interest of the
9 members.

10 The financial malfeasance was anything but
11 minor. Syed Rahim and the Executive Board blatantly
12 disregarded their obligation to care for the Local's
13 assets entrusted to the Local's officers by
14 membership and were also unwilling or unable to
15 comply with legal and regulatory requirements.

16 The violations of IRS statutes and the
17 financial responsibilities set forth in Local 1182's
18 by-laws and the CWA Constitution were and remain
19 sufficient to place CWA Local 1182 under temporary
20 administration.

21 The Executive Board properly interpreted
22 "officers" as used in Article XIII, Section 8(b) to

1 include all members of the Local Executive Board. Some
2 locals do not distinguish between officers and
3 Executive Board members. Where the distinction is
4 made, it has no significance in the context for
5 request for temporary administration.

6 Delegate-at-Large Angel Diaz, who
7 requested the temporary administration but was not
8 designated officer by the Local 1182 by-laws, had
9 input into the important decisions of Local 1182.
10 Whether technically an officer, or a member of the
11 Executive Board, a person in such a position of trust
12 and responsibility is an officer within the ordinary
13 meaning of the word.

14 Therefore, such an Executive Board member
15 is an "officer" for the purposes of Article XIII,
16 Section 8(b). Mr. Rahim's claim that the CWA
17 Constitution requires a majority of officers to make
18 requests for temporary administration must also fail.
19 In 1992, the CWA Executive Board interpreted Article
20 XIII, Section 8(b), to require more than one, not a
21 majority of the Local officers.

22 This interpretation is consistent with the

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1 language of the CWA Constitution, serves the interest
2 of the Union and its members, and preserves adequate
3 safeguards. At the 1994 CWA Convention, the
4 Constitution Committee rejected a proposal to
5 require a majority of Local officers to request a
6 temporary administration.

7 The Constitution Committee opined that
8 such a requirement could become an impediment to
9 protecting the membership and the resources from
10 individuals who do not have the membership's best
11 interest at heart. This was the case here. The
12 interpretation is supported by the Convention and the
13 Executive Board with input from courts and the United
14 States Department of Labor and is consistent with
15 decades of CWA policy and practice and is outlined in
16 the CWA Constitution, Article IX, Section 4(K), which
17 allows the Executive Board of the Union to interpret
18 the Constitution.

19 Furthermore, there were allegations of
20 sexual harassment and the creation of a hostile work
21 environment. Such allegations undermine the very
22 core of CWA. This alleged inappropriate conduct was

1 a violation of the CWA Policy on Mutual Respect as
2 well as other provisions of the CWA Constitution.

3 While there was evidence of these
4 allegations presented at the hearing, these
5 allegations are part of an ongoing civil lawsuit, and
6 therefore, further comment is withheld. The Appeals
7 Committee agrees with the CWA Executive Board and
8 Vice President Brenda Roberts and supports the
9 recommendation of continuing the temporary
10 administration for CWA Local 1182.

11 Therefore, the Appeals Committee
12 wholeheartedly recommends that the decision of the
13 CWA Executive Board be upheld and the appeal of Syed
14 Rahim be denied.

15 PRESIDENT SHELTON: A motion has been made
16 and seconded to adopt the Appeals Committee's
17 recommendation on Appeal Number 3. I recognize
18 Delegate Trementozzi from Local 1400 on the
19 question's mic.

20 MR. TREMENTOZZI: Thank you, President
21 Shelton. I have a question for the Committee if you
22 know the answer. Could you tell us how much the

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1 monthly payment for the Land Rover was? Who paid
2 that monthly payment for the vehicle? And was there
3 a down payment? If so, how much? And who put down
4 the down payment?

5 MR. RYAN: Yes sir, that information... The
6 monthly payment was \$899.52 for a 33-month lease. It
7 was paid from Local 1182's treasury. The down
8 payment was \$23,700. Again, came from Local 1182's
9 treasury.

10 MR. TREMENTOZZI: So even though -- even
11 though --

12 PRESIDENT SHELTON: You're entitled to
13 another question, Bill.

14 MR. TREMENTOZZI: Thank you. So even
15 though your reports suggests that it was in the
16 President's name, the Local paid those payments and
17 the down payment, correct?

18 MR. RYAN: Correct.

19 MR. TREMENTOZZI: Thank you.

20 MR. RYAN: His name, not the Local's.

21 MR. TREMENTOZZI: Right, thank you.

22 PRESIDENT SHELTON: Seeing there are no

1 other delegates wishing to speak on the motion, a
2 motion has been made and seconded to adopt the
3 Appeals Committee recommendation on Appeal Number 3.

4
5 In a moment, you will see a poll on your
6 screen to vote on the Appeals Committee
7 recommendation on Appeal Number 3. This poll is
8 taking the place of our normal show of hands vote.
9 You will have one minute to cast your vote. All
10 those in favor of the Appeals Committee's
11 recommendation on Appeal Number 3, indicate by
12 casting a "yes" vote and hit submit.

13 Likewise, all those opposed to the Appeals
14 Committee's recommendation on Appeal Number 3,
15 indicate by casting a "no" vote and hit submit. Please
16 cast your vote now. Any delegates having trouble
17 viewing the poll, please press "Q&A" and type "no poll,"
18 and someone will respond to your request.

19 Please display the results of the vote.
20 Here are the results of the vote on the Appeals
21 Committee's recommendation on Appeal Number 3. The
22 motion passes. I now recognize the Chair of the

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1 Appeals Committee to continue with their report.

2 MR. RYAN: Reading Appeal Number 4, Sister
3 Kim Liska.

4 MS. LISKA: Appeal Number 4. On October
5 15, 2019, Local 4202 President Holly Sorey appealed
6 the CWA Executive Board's decision not to arbitrate
7 the Local's grievance for a termination of member
8 Marc Nogle. The appeal is timely and properly before
9 the 2020 Presidents Meeting.

10 Mr. Nogle was employed by AT&T Mobility as
11 a retail sales consultant for less than three years
12 from January 5, 2015 to September 5, 2017. He was
13 terminated for allegedly failing to meet performance
14 objectives. At the time of Mr. Nogle's employment,
15 the Company evaluated performance based upon the
16 employee's use of the "Our Promise" behavior as set
17 forth in its My Performance policy.

18 Implementation of the policy requires
19 managers to observe an employee's interactions with
20 customers and rate each of the nine elements of the
21 interaction. On October 4, 2016, Mr. Nogle was
22 given a counseling after 17 coachings and observations

1 during which he did not execute the behaviors.

2 When the counseling was delivered, Mr.
3 Nogle was specifically instructed to perform the "Our
4 Promise" behaviors with every customer, ask
5 non-negotiable questions with every customer,
6 demonstrate premium audio and digital life to every
7 available customer and develop one lead to sell to a
8 corporate user to avoid being progressed to the next
9 step of discipline.

10 The counseling was in effect until January
11 2, 2017. On January 9, 2017, Mr. Nogle was given a
12 written warning after 16 coachings and observations,
13 all between October 9 and December 26, 2016, while he
14 was on the counseling step. During these
15 observations, management noted that Mr. Nogle failed
16 to exhibit the behaviors on seven occasions, failed
17 to ask the questions on two occasions, failed to
18 demonstrate premium and audio -- premium, audio and
19 digital life on four occasions, and did not develop
20 one corporate user lead.

21 No behavior or omission relied on by the
22 Company occurred after the expiration date of the

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1 counseling. Again, Mr. Nogle was told to perform the
2 Our Promise behaviors, ask the non-negotiable
3 questions and demonstrate premium, audio and digital
4 life. Additionally, Mr. Nogle was to bring three
5 accessories to the table with each customer into
6 develop one business lead per week.

7 On May 7, 2017, Mr. Nogle was progressed
8 to a final written warning. The Company noted 12
9 separate observations between January 18 and April
10 30, 2017, during which Mr. Nogle had not performed the
11 task he was specifically instructed to perform with
12 each customer.

13 Management coached him five additional
14 times prior to issuing the discipline. On September
15 5, 2017, Mr. Nogle was discharged because he failed
16 to exhibit the "Our Promise" behaviors during seven
17 observations and failed to follow proper policy and
18 procedure on an additional five occasions between May
19 13 and August 28, 2017.

20 Mr. Nogle had been coached 13 times since
21 the issuance of the final written warning. President
22 Sorey argued that the termination must be arbitrated

1 because Mr. Nogle was issued a written warning after
2 the date the counseling expired, in violation of the
3 Company's Progressive Discipline Policy. This
4 argument failed because as the Executive Board
5 correctly determined, an arbitrator would be unlikely
6 to disturb the merits of a past discipline that was
7 not grieved at the time it was issued.

8 Further, although the discipline was
9 issued after the expiration of the counseling, the
10 incident occurred while on the counseling step.
11 President Sorey further argued that the Company did
12 not have just cause because it had disciplined Mr.
13 Nogle for poor sales numbers quotas instead of for
14 behavior.

15 The termination notice does not reference
16 any sales. Instead it lists 11 specific behavioral
17 failures in a three-month period. For this reason,
18 President Sorey's argument regarding quota relief
19 must be rejected as well. While President Sorey
20 advised the Appeals Committee that Mr. Nogle had been
21 treated differently than other employees, there is no
22 evidence in the record that there was any desperate

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1 treatment.

2 The Union could not prevail in an
3 arbitration of this grievance. After a thorough
4 review of the case file, the Appeals Committee
5 recommends that the decision of the Executive Board
6 be upheld and the appeal of President Sorey be
7 denied.

8 PRESIDENT SHELTON: A motion has been made
9 and seconded to adopt the Appeals Committee's
10 recommendation on Appeal Number 4. I now recognize
11 on the against microphone, Delegate Sorey from Local
12 4202.

13 MS. SOREY: Thank you, President Shelton.
14 Brothers and Sisters, when we have a company that
15 violates their own policy and unjustly terminates their
16 members, we got a problem. It's a major problem. We
17 won't have any members left. This gentleman was with
18 the company for three years, and he didn't have any
19 problems until he got a new manager.

20 Once he got this new manager, all these
21 problems arrived. The fact that the counseling had
22 expired, and the manager went forward with a written

1 warning, that's a big issue. Secondly, I believe
2 that if we do not argue these grievances as is stated
3 by the Appeals Committee, that because the member
4 did not file at the level of discipline. I believe
5 we're going to get failure to represent against us.
6 Filed by the members and by the NLRB. We're going to
7 have a big problem.

8 Also, let me bring to your attention that on
9 the counseling notice where it states he was coached on
10 I believe it was -- let me see here, 17 times. Also
11 17 times, it states -- let me pull it up here.
12 Leadership conducted a small business follow-up with
13 Mark Nogle for the month, inspected previous
14 commitments, reinforced behaviors or regained
15 commitment.

16 Brothers and Sisters, our retail sales
17 representatives were not hired to do business sales.
18 The Company has non-exempt management doing that.
19 That is not a retail sales job, it is to sell business
20 at this point in time of the grievance. It was
21 voluntary if they chose to, and he's being held
22 accountable to something that he should not and that
23 others have not been.

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1 Also on here, I don't see any customer's
2 names or phone numbers or anything on any of the
3 discipline. This is very cookie cutter, copy and
4 paste, very generic. Also, the company states that
5 they're going to go ahead back and they're going to
6 continue to monitor him to help him improve. They
7 never did that.

8 But at the end of the journey, Brothers
9 and Sisters, this discipline expires seven days
10 before the next level of discipline was issued. So
11 we cannot do this. We will not have any members
12 left. We'll be sitting in purgatory forever if we
13 allow the company to keep taking liberties with the
14 discipline policy that they're violating their own
15 policy.

16 I'm asking Brothers and Sisters that you
17 send this to arbitration again. Let's hold this
18 company to at least honoring their own damn policy
19 and stop sticking it to our members. Thank you.

20 PRESIDENT SHELTON: I recognize Delegate
21 Albertson from Local 6016 on the "against" mic.

22 MR. ALBERTSON: Greetings. This is Jay

1 Albertson in Oklahoma City. I'm not sure if you can
2 hear me, but basically, I'm going to have to stand with
3 President Sorey on this. I've been a member of the
4 Union for 15 years, worked at the AT&T Mobility for
5 19 years.

6 And regrettably, what she is describing is
7 a lot more common than we would like, where I'm not
8 going to say necessarily falsify documents, but
9 certainly documents that don't make sense where, you
10 know, we have managers come in that don't like an
11 individual and they start piling on all sorts of
12 documentation.

13 This just happens all the time. Since
14 I've been President, I've had to deal with this,
15 basically the entire time I've been President, and it
16 is a very, very common practice within our stores.
17 You can't get the company to, you know, follow their
18 own rules, you know, how can we get them to listen to
19 us, you know, even for the agreement.

20 So I stand also with the President Sorey
21 that we should send this to arbitration. Thank you.

22 PRESIDENT SHELTON: Seeing there are no

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1 other delegates wishing to speak on the motion, a
2 motion has been made and seconded to adopt the
3 Appeals Committee's recommendation on Appeal Number 4.
4 In a moment you will see a poll on your screen to
5 vote on the Appeals Committee's recommendation on
6 Appeal Number 4.

7 This poll is taking the place of our
8 normal show of hands vote. You'll have one minute to
9 cast your vote. All those in favor of the Appeals
10 Committee's recommendation on Appeal Number 4
11 indicate by casting a "yes" vote and hit submit.
12 Likewise, all those opposed to the Appeals
13 Committee's recommendation on Appeal Number 4
14 indicate by casting a no vote and hit submit.

15 Please cast your vote now. Any delegate
16 having trouble viewing the poll, please press "Q&A" and
17 type "no poll," and someone will respond to your
18 request. Please display the results of the vote.
19 Here are the results of the vote on the Appeals
20 Committee recommendation on Appeal Number 4. The
21 motion fails, the case will be arbitrated.

22 I recognize the Chair of the Appeals

1 Committee to continue with their report.

2 MR. RYAN: Reading Appeal Number 5 Sister
3 Kim Humphrey.

4 MS. HUMPHREY: Appeal 5 -- on December 11,
5 2019, Local 4322 President Daniel Frazier appealed
6 the CWA's Executive Board's decision not to arbitrate
7 the Local's grievance regarding the discharge of member
8 George Craig. The appeal is timely and properly before
9 the 2020 Presidents Meeting.

10 Mr. Craig was employed by AT&T as a
11 telecommunications specialist in Dayton, Ohio, a job
12 that required licensing. At the time of his
13 termination, he had approximately 19 years of service
14 with the company. In 2018, Mr. Craig was suspended
15 and ultimately discharged for his fifth conviction of
16 driving under the influence of alcohol or drugs.

17 The first issue in this case is whether
18 the grievance can be arbitrated. Mr. Craig was
19 discharged after the expiration of the 2015-2018
20 collective bargaining agreements and before CWA and
21 AT&T signed the successor agreement.

22 Since no agreement to arbitrate bound the

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1 parties at the time of the discharge, the Union
2 cannot force the Company to arbitrate this. The Back
3 to Work Agreement relied on by President Frazier as a
4 basis for arbitration does not contain an
5 arbitration provision, and therefore cannot be used
6 for that purpose.

7 Even if the Company was bound by an
8 arbitration provision, the Union cannot prevail in an
9 arbitration on the merits of this grievance. On
10 October 14, 2018, Mr. Craig was charged with driving
11 under the influence of drugs or alcohol, which resulted
12 in the immediate loss of his driver's license.

13 Mr. Craig plead guilty -- no contest to
14 the charge. The Company defended Mr. Craig while it
15 investigated. On December 6, 2018, they discharged
16 him because the DUI conviction violated the 2015 Back
17 to Work Agreement and the Mandatory Treatment and
18 After Care Agreement signed by Mr. Craig as well as
19 the Company policy.

20 During his employment Mr. Craig had four
21 convictions prior to the October 2018 incident. In
22 January 2003, he plead guilty to driving under the

1 influence. In May 2008, he plead guilty to physical
2 control of a vehicle while under the influence of
3 alcohol and/or drugs.

4 In September 2008, he plead guilty to
5 driving under the influence. Mr. Craig was
6 discharged for this infraction. The Union
7 arbitrated, and Mr. Craig was reinstated in January
8 of 2010. In May 2015, Mr. Craig was
9 convicted, jailed, fined and placed on probation for
10 operating a vehicle under the influence of alcohol
11 and/or drugs. His license was suspended.

12 The Company again discharged Mr. Craig.
13 In June of 2015, the Company and the Union settled in
14 resulting grievance with the Back to Work Agreement.
15 Among other things, the parties agreed that if the
16 Company determines, in its sole discretion, that Mr.
17 Craig has incurred another violation of the AT&T Code
18 of Business Conduct, including but not limited to,
19 substance abuse violations, the company will have
20 just cause to terminate Mr. Craig's employment.

21 The Company will consider mitigating
22 circumstances in its decision, but retains the sole

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1 discretion to determine whether or not termination is
2 appropriate under these circumstances. The
3 conviction in 2018, was precisely the same
4 circumstances as 2015.

5 Therefore, under the terms of the Back to
6 Work Agreement signed by the Union and Mr. Craig, the
7 Company had just cause for the discharge. President
8 Frazier argues that Mr. Craig was driving his
9 off-duty car and therefore, could not be subject to
10 employer discipline.

11 The Executive Board correctly observed
12 that maintaining an acceptable driving record is an
13 essential part of this job. Mr. Craig was put on
14 notice of this requirement by the Company On and
15 Off-duty Misconduct Policy, which specifically states
16 that off-duty misconduct can lead to termination.

17 In fact, the Company had twice terminated
18 him for just misconduct in 2008 and 2015. After a
19 thorough review of this case in light of Mr. Craig's
20 long history of similar violations, and the second
21 and third chances given to him by the arbitration
22 award in the Back to Work Agreement, CWA could not

1 prevail in arbitration, even if the grievance were
2 arbitral.

3 The Appeals Committee recommends that the
4 decision of the Executive Board be upheld, and the
5 appeal of President Frazier be denied.

6 PRESIDENT SHELTON: A motion has been made
7 and seconded to accept the Appeals Committee's
8 recommendation on Appeal Number 5. Seeing there are
9 no delegates wishing to speak on the motion, the
10 motion has been made and seconded to adopt the
11 Appeals Committee's recommendation on Appeal Number
12 5.

13 In a moment, you will see a poll on your
14 screen to vote on the Appeals Committee's
15 recommendation on Appeal Number 5. This poll is
16 taking the place of our normal show of hands vote.
17 You'll have one minute to cast your vote. All those
18 in favor of the Appeals Committee's recommendation on
19 Appeal Number 5 indicate by casting a "yes" vote and
20 hit submit.

21 Likewise, all those opposed to the Appeals
22 Committee's recommendations on Appeal Number 5,

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1 indicate by casting a "no" vote and hit submit. Please
2 cast your vote now. Any delegate having trouble
3 viewing the poll, please press "Q&A" and type
4 "no poll," and someone will respond to your request.

5 Please display the results of the vote.
6 Here are the results of the vote on the Appeals
7 Committee's recommendation on Appeal Number 5. The
8 motion passes. I want to thank the Appeals
9 Committee for your tireless work. Having addressed
10 all of the appeals before the Presidents Meeting, I
11 will now accept a motion to adjourn.

12 I recognize at the motion's mic, Delegate
13 Maurice Washington of Local 9400. Delegate
14 Washington, we can't hear you.

15 MR. WASHINGTON: I'd like to make a motion
16 to adjourn the 2020 Presidents Meeting.

17 PRESIDENT SHELTON: You may speak on your
18 Motion, Delegate.

19 MR. WASHINGTON: I would like to say thank
20 you first, for our first virtual, and hopefully last,
21 Presidents Meeting, to all that was involved in
22 preparing and facilitating this meeting I would like

1 to say job well done, and may God bless us all.

2 Thank you.

3 PRESIDENT SHELTON: I have a motion to
4 adjourn. Is there a second? If you wish to second
5 this motion, please press the "raise hand" button. In
6 a moment, you will see on the screen the delegates
7 that seconded the motion. A motion has been made and
8 seconded to adjourn the Presidents Meeting.

9 A motion to adjourn is not debatable. In
10 a moment, you will see a poll on your screen on the
11 motion to adjourn. This poll is taking the place of
12 our normal show of hands vote. You will have one
13 minute to cast your vote. All those in favor of the
14 motion to adjourn indicate by casting a "yes" vote and
15 hit submit.

16 Likewise, all those opposed to the motion
17 to adjourn indicate by casting a "no" vote and hit
18 submit. Please cast your vote now. Any delegate
19 having trouble viewing the poll, please press "Q&A" and
20 type "no poll," and someone will respond to your
21 request.

22 Please display the results of the vote.

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1 Here are the results of the vote on the motion to
2 adjourn. The motion passes. The 2020 Presidents
3 Meeting of the Communications Workers of America is
4 now adjourned. Please do not leave the meeting. In
5 30 minutes we will resume with the
6 Secretary/Treasurer's financial discussion. Again,
7 please do not disconnect.

8 (Whereupon the meeting adjourned at 1:49
9 p.m.)

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