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PROCEEDINGS
- - - - -
of the
COMMUNICATIONS WORKERS OF AMERICA
AFL-CIO, CLC
PRESIDENTS' MEETING

Hyatt Regency
Washington, DC
June 24, 2024
11:00 a.m.

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

2

3 (11:02 a.m.)

4

5 **PRESIDENT CUMMINGS:** Good morning. All
6 right. You all talk back to me now. Good morning.

7

8 **AUDIENCE:** Good morning.

9

10 **PRESIDENT CUMMINGS:** Great. Wonderful.
11 Wonderful. Just so happy to see all of you this
12 morning. Happy to see that all of you arrived here
13 safely, looking forward to having a great meeting
14 this morning, as well as the Legislative Political
15 Conference.

16

17 So before I call the Presidents' Meeting
18 to order, I'd like to take a few minutes to make
19 some remarks about a few important matters. This
20 isn't going to be a long speech. I'm going to save
21 that for tomorrow, so get ready for that, on
22 tomorrow at the Legislative Political Conference.

23

24 First and foremost, I want to say thank
25 you for the warm welcome and support I've received
26 during my first year as President of our great
27 Union. I really do appreciate it.

28

29 (Applause)

30

31 **PRESIDENT CUMMINGS:** One of the things I
32 said is that I was going to be busy as your
33 president. I hope you've noticed that. For those
34 of you who are following me on social media, thank
35 you for the comments I've received. If you follow
36 me on Facebook, and that's my major social media
37 that I use, a lot of the meetings I'm attending I
38 post about that, but I also post about the fun
39 events that I have at night. So, I work hard, but I
40 also play hard, and I hope you've enjoyed that.

41

42 I also want to thank our Secretary-
43 Treasurer, Ameenah Salaam, for her commitment to
44 ensuring that our financial resources are being used
45 wisely. Ameenah will give you an update later on,

1 but let me just say this to all of you. The first
2 couple of weeks after I was elected President,
3 Ameenah reached out to me about some real concerns
4 about our finances.

5
6 First of all, there was a mistake that
7 was made previously, and it wasn't by malice or
8 anything like that. Mistakes happen. But it was a
9 payroll mistake that was not included into the
10 budget, which could have really made us have to
11 report that we were two million dollars positively
12 in the red. And Ameenah was concerned about that.
13 And I certainly was concerned about having to come
14 to my first meeting as president, a Black President
15 and a Black Secretary-Treasurer reporting that we're
16 two million dollars in the red.

17
18 So, I'm happy to say to you that Ameenah
19 squeezed me, she squeezed the VPs, she squeezed
20 wherever she could. And to be quite honest with
21 you, she's been able to report, and I don't want to
22 take all of her thunder, that we are in the black.
23 And for the first time since we've had the loan out
24 of the Member Relief Fund, she's been able to make
25 payments toward it. Give her a round of applause.
26 Stand up, Ameenah. I want you to stand. Stand up.

27
28 (Applause)

29
30 **PRESIDENT CUMMINGS:** She has done an
31 excellent job taking care of our resources and I'm
32 appreciative of having her as our Secretary-
33 Treasurer.

34
35 I also want to thank the CWA staff, who
36 have committed to exceptional work and have excelled
37 in keeping up with the fast pace required to
38 properly meet the demands the jobs require. I'm
39 particularly, indeed, indebted to my Chief of Staff,
40 Sylvia Ramos, who's been by my side for many years.
41 Most of you know that Sylvia was my assistant in
42 District 6. I rely on her advice and there's no one
43 in this Union who is as effective as Sylvia is when
44 it comes to developing bargaining strategies and
45 making sure our employers are living up to their

1 responsibilities.

2

3 Sylvia is the first female and the first
4 Hispanic Chief of Staff of our Union. And I've been
5 so glad to have her by my side and she's really
6 helping me with a lot of the issues I'm dealing
7 with, with AT&T. So Sylvia, thank you so much for
8 your support.

9

10 (Applause)

11

12 **PRESIDENT CUMMINGS:** And then, certainly
13 -- she didn't know I was going to do this. She's
14 read the script, but she didn't know that I added
15 something.

16

17 I want to thank my Administrative
18 Assistant, Kelly Aiken. I don't know what I would
19 do without Kelly, to be honest with you.

20

21 (Applause)

22

23 **PRESIDENT CUMMINGS:** I get off flights,
24 and I'm traveling so much around the country because
25 I'm making all of these different speaking
26 engagements, going to all these different
27 conferences, and half the time I'll get off the
28 airplane and I don't know where the hell my hotel
29 room is. I don't know where I'm supposed to go or
30 anything else. But Kelly, I've been able to call
31 her day, night, weekends, and she has been there and
32 has been responsive and has done a great job just
33 keeping me on schedule. So, please give her another
34 round of applause, if you will, please.

35

36 (Applause)

37

38 **PRESIDENT CUMMINGS:** So, it's been a
39 very busy year for CWA and the entire labor movement
40 from major strikes that grabbed the attention of the
41 entire world to continued enthusiasm for organizing
42 to raising working people's concerns about new
43 technologies like AI. CWA members have been at the
44 center of these discussions.

45

1 I'm going to go into this in detail
2 tomorrow, but to be perfectly honest with you, the
3 next five months could make or break the labor
4 movement in this country. Since the day he became
5 President, Joe Biden and the members of this
6 Administration have been doing everything in their
7 power to make it easier for workers to join unions
8 and to make sure we are in a stronger position when
9 bargaining contracts.

10
11 And since I've been the President, I've
12 met with President Biden, I've met with the Vice
13 President, Kamala Harris, I've met with a number of
14 Secretaries, Cabinet members that respect CWA. And
15 what I've said to them is not so much me because I'm
16 the President, but it's because of all of the work
17 that you do. When I call, they answer, so please
18 give yourselves a round of applause for the work
19 that you've done.

20
21 (Applause)

22
23 **PRESIDENT CUMMINGS:** But let me make
24 this clear. If Donald Trump wins and if the anti-
25 worker Republicans keep control of the House of
26 Representatives and gain control of the Senate,
27 their priority is to dismantle the American labor
28 movement and gut health and safety protections.
29 This is the truth. It's no secret. It's called
30 Project 2025 and they have put it in writing. There
31 are many things that we can and will do to reelect
32 Biden and Vice President Harris and to elect a pro-
33 union Congress as part of our electoral efforts at
34 the national, state, and local level. We must, we
35 absolutely must spend our PAF funds the way that our
36 members who voluntarily support PAF expect us to do.

37
38 Too many Locals have been doing that.
39 However, CWA Locals are sitting on about \$1.7
40 million in PAF funds. I'm not sure why you guys are
41 holding onto that money; however, if you're waiting
42 for a rainy day, let me tell you that it's going to
43 be a hell of a hurricane if Trump is back in office.
44 We need you to spend that PAF money to help elect
45 candidates that have been standing with working

1 people.

2

3 I've asked our National and District
4 legislative and political staff to work with you on
5 a plan for spending these funds as soon as possible
6 so that they can get to candidates when they are
7 most needed. I would greatly appreciate your
8 cooperation on that.

9

10 The other thing I wanted to mention is
11 also election related. I know that many of our
12 members, including many of you, will be serving as
13 delegates to the Democratic National Convention in
14 August. It is important that you have a clear
15 understanding about what funds can be used to cover
16 expenses for CWA delegate members attending national
17 party conventions.

18

19 The only funds that can be legally used
20 are PAF funds. You cannot use any SIF -- I'm sorry.
21 Any CWA general funds, SIF, or growth funds to cover
22 convention delegate expenses. If you have any
23 questions about this, you can check with your
24 District or Sector LP Coordinator, who will work
25 with Shane Larson and Compliance Department to
26 provide guidance. Are we clear on that? Everybody
27 clear on that? You all talk back to me.

28

29 **AUDIENCE:** Yes.

30

31 **PRESIDENT CUMMINGS:** All right. Okay.
32 Good. Now, also if you've noticed on your seats, we
33 have signs. One thing I said as President is that
34 we're not going to sit back when other Districts,
35 when other Sectors are bargaining, and we don't do
36 anything to support them. And I hope you've noticed
37 that Beth Allen -- and I don't know if Beth is here,
38 but she has really stepped up our social media.
39 Give her a round of applause, if you would, please.

40

41 (Applause)

42

43 **PRESIDENT CUMMINGS:** We're really
44 sending out a lot of information. And so, we've got
45 some major bargaining units that are in bargaining.

1 We have AT&T and District 9 that is still
2 bargaining. Hopefully, they'll be able to come to a
3 resolution pretty soon. We have District 3 that is
4 going to start bargaining, I think, on next Tuesday.
5 We have the Post-Gazette that is still out on
6 strike. We have United that is in bargaining. We
7 have Piedmont that also is in bargaining.

8
9 We have signs that we want you to hold
10 up at the end of this meeting so we can take
11 pictures and send them out across the country in
12 support of all of these different bargaining units.

13
14 What I'd said during the convention last
15 year is we say we're one Union, but sometimes we
16 don't act like it. I've been doing everything I can
17 to talk about how much unity should mean to all of
18 us and so we must do everything we can to support
19 each other when we're in these fights. So, I hope
20 you appreciate that. And I hope you've appreciated
21 my message of unity that I've spoken about when I
22 speak at different conventions, different
23 conferences that you're having in different places,
24 even outside of CWA that I talk about.

25
26 So, let's make sure we hold up these
27 signs. We're going to be taking, I think, two or
28 three different pictures, but we want to support all
29 these different units that are bargaining at this
30 time.

31
32 So, with that, let's get started with
33 this meeting. I'm calling this meeting to order.
34 And give yourselves a round of applause. Thank you
35 for allowing me to give those comments.

36
37 (Applause)

38
39 **PRESIDENT CUMMINGS:** So, pursuant to
40 Article 9, Section 7 of the CWA Constitution, this
41 Local Presidents' Meeting has been called to hear
42 and resolve any pending appeals of Executive Board
43 decisions issued to this date. That is the only
44 business before this meeting. Again, this is the
45 only business before this meeting. Thirty minutes

1 after adjournment of this meeting, we will be
2 conducting a meeting to discuss the finances of the
3 Union.

4
5 Next, we will have the playing of the
6 National Anthems. Would you stand please?

7
8 (National Anthem)

9
10 (Canadian Anthem)

11
12 (Puerto Rican Anthem)

13
14 **PRESIDENT CUMMINGS:** Thank you.

15
16 (Applause)

17
18 **PRESIDENT CUMMINGS:** Now, I'd like to
19 recognize the International Executive Board and ask
20 them to please stand as I say their names.

21
22 Ameenah Salaam, Secretary-Treasurer.

23
24 (Applause)

25
26 **PRESIDENT CUMMINGS:** Dennis Trainor,
27 District 1 Vice President.

28
29 (Applause)

30
31
32 **PRESIDENT CUMMINGS:** Mike Davis, 2-13
33 Vice President.

34
35 (Applause)

36
37 **PRESIDENT CUMMINGS:** Richard Honeycutt,
38 District 3 Vice President.

39
40 (Applause)

41
42 **PRESIDENT CUMMINGS:** Linda Hinton,
43 District 4 Vice President.

44
45 (Applause)

1 **PRESIDENT CUMMINGS:** Derrick Osobase,
2 District 6 Vice President.
3
4 (Applause)
5
6 **PRESIDENT CUMMINGS:** Susan McAllister,
7 District 7 Vice President.
8
9 (Applause)
10
11 **PRESIDENT CUMMINGS:** Frank Arce,
12 District 9 Vice President.
13
14 **PRESIDENT CUMMINGS:** Carmel Smyth,
15 Director of CWA Canada.
16
17 (Applause)
18
19 **PRESIDENT CUMMINGS:** Lisa Bolton,
20 Telecom and Technology Vice President.
21
22 (Applause)
23
24 **PRESIDENT CUMMINGS:** Margaret Cook,
25 Public Workers Vice President.
26
27 (Applause)
28
29 **PRESIDENT CUMMINGS:** Charlie Braico,
30 NABET-CWA President.
31
32 (Applause)
33
34 **PRESIDENT CUMMINGS:** Jon Schleuss, TNG
35 CWA President.
36
37 (Applause)
38
39 **PRESIDENT CUMMINGS:** Carl Kennebrew, IUE
40 CWA Division President.
41
42 (Applause)
43
44 **PRESIDENT CUMMINGS:** Sara Nelson, AFA
45 CWA President.

1 (Applause)

2

3 **PRESIDENT CUMMINGS:** Gloria Middleton,
4 At-Large Diversity Board Member, Northeastern
5 Region.

6

7 (Applause)

8

9 **PRESIDENT CUMMINGS:** Vera M. Mikell, At-
10 Large Diversity Board Member, Southeastern Region.

11

12 (Applause)

13

14 **PRESIDENT CUMMINGS:** Erika White, At-
15 Large Diversity Board Member, Central Region.

16

17 (Applause)

18

19 **PRESIDENT CUMMINGS:** Keith Gibbs, At-
20 Large Diversity Board Member, Western Region.

21

22 (Applause)

23

24 **PRESIDENT CUMMINGS:** This is your
25 International Executive Board. Give them a round of
26 applause.

27

28 (Applause)

29

30 **PRESIDENT CUMMINGS:** Next, I'd like to
31 introduce the Credentials Committee, but first I
32 want to review the procedures for the use of the
33 microphones and how you get recognized to speak,
34 make motions, or ask questions. Also, we will be
35 using Robert's Rules of Order at this meeting.

36

37 We have four microphones set up on the
38 floor. Microphone 1 in front of me labeled
39 "Motions" is for delegates to make motions.

40

41 Remember, motions in these meetings are
42 recommendations on appeals. When the Appeals
43 Committee recommends a decision that is considered
44 to be both the motion and a second because the
45 Committee is made up of more than one person.

45

1 The telephone associated with the
2 microphone is connected directly to our
3 Parliamentarians, who are here behind me. They are
4 seated again behind me. Will the Parliamentarians
5 please stand as I call their names?
6

7 Matthew Holder, CWA General Counsel,
8 Washington, D.C. and Robert Weaver, District 3 Legal
9 Counsel.
10

11 (Applause)
12

13 At the microphone, press the button on
14 the phone next to the red dot, then pick up the
15 handset. You are to advise the Parliamentarians of
16 the motion you wish to make. They will give you a
17 preliminary parliamentary ruling. If your motion is
18 in order, the Chair will be recognized, and you will
19 be recognized.
20

21 If you disagree with the preliminary
22 ruling, advise the Parliamentarians. They will then
23 bring that disagreement to the attention of the
24 Chair. The Chair will then make a ruling after
25 which, if there is still disagreement, the matter
26 can be placed before the Presidents to determine
27 whether or not the ruling is proper by voting on
28 whether or not to sustain the Chair's ruling.
29

30 The maker for a motion may speak for
31 their motion from Microphone No. 1. Microphone No.
32 2 is for the "For" microphone. Use it to be
33 recognized to speak for any motion or issue before
34 the Presidents' Meeting. Microphone No. 3 is the
35 "Against" microphone. Use it to speak against any
36 motion or issue before the Presidents' Meeting.
37

38 At the back of the hall, Microphone No.
39 4 is designated the "Privilege/Questions" mic. Use
40 that microphone to be recognized to raise a point of
41 order, raise a point of personal privilege, or to
42 ask a question to clarify any issue before the
43 Presidents or to get information.
44

45 Each delegate is entitled to ask up to

1 two questions when at the microphone. Under our
2 rules, there's a five-minute limit on any speech.
3 There's a digital clock in front of the platform
4 that indicates how much time you have to speak. The
5 microphone automatically turns off after five
6 minutes.

7
8 We rotate between these microphones
9 under our rules. The order of rotation will be from
10 Microphone No. 1, the "Motions" microphone, to the
11 next delegate in line at Microphone No. 3, the
12 "Against" microphone, and then to the next delegate
13 in line at Microphone No. 2 for the "For"
14 microphone. The rotation also includes Microphone
15 No. 4, the "Questions Privilege" for questions,
16 points of order, or points of personal privilege.
17 Again, the maker of the motion may speak for their
18 motion from the "Motions" microphone and that is
19 counted as a "For" speaker.

20
21 The rotation continues until at least
22 two people have had an opportunity to speak for and
23 against the motion. After which, a motion to close
24 debate is in order.

25
26 Each of these three microphones is
27 connected to staff on the platform. They advise the
28 Chair to recognize you. Let me introduce the people
29 who will be answering as you call from Microphones
30 2, 3, and 4.

31
32 Tonya Hodges, Staff Representative,
33 District 1 and Chair. At the "For" microphone,
34 Stacey Reynolds, Financial Secretary 2, IUE CWA. At
35 the "Against" microphone, Shad Ercanbrack, Staff
36 Representative, District 7. At the
37 "Questions/Privilege" microphone, Matt Harris,
38 District Counsel, District 4.

39
40 As you go to any of the microphones,
41 lift the telephone and tell the attendant your name
42 and Local number. You'll be recognized in the order
43 called for under our rules. When you're recognized
44 to speak, begin with your name and your Local
45 number. During the course of the Presidents'

1 Meeting a verbatim record is kept. A complete set
2 of this proceeding will be emailed to all of you.

3
4 You will have 30 days to review the
5 record and report to us any errors you may wish to
6 have corrected. To help us with who is to be
7 recognized and to be sure we follow procedures as
8 provided in the Constitution and to assist me with
9 close votes, we have two delegates from the floor.
10 For that purpose today, we have Brian Magner,
11 President of CWA Local 1133. We have Marisa Remski,
12 President, CWA Local 9003. And we have as an
13 alternate, Dermal Flores, President, AFA, CWA Local
14 23059, who is, again, an alternate observer.

15
16 All right. Everyone got that? So, at
17 this time, I recognize the Credentials Committee
18 Chair, Diane Bailey, for the purpose of presenting
19 the report of the Credentials Committee. Let's give
20 her a round of applause on the way up.

21
22 (Applause)

23
24 **MS. BAILEY:** Good morning, President
25 Cummings, Jr., and delegates. I am pleased to
26 announce on behalf of the Credentials Committee that
27 the Committee has registered 298 delegates to this
28 Presidents' Meeting. The Committee appreciates the
29 assistance rendered by the Secretary-Treasurer's
30 office, especially the help of the Information
31 Services Membership Dues Department.

32
33 With the assistance of the two
34 departments mentioned, we are continuing to improve
35 service to our delegates. Since our last
36 convention, new locals have been added to our ranks.
37 These locals are 6154, 7765, 81500, 83600, 6115, and
38 8370. Let's give them a welcome.

39
40 (Applause)

41
42 **MS. BAILEY:** Okay. We will be reporting
43 credentials in the following categories: Category
44 1, those credentials properly executed and received
45 on time; Category 2, credentials properly executed,

1 but late; Category 3, improperly executed, and then
2 we have Category 4A, proxy credentials properly
3 executed, but late; Category 4B, proxy credentials
4 improperly executed; and Category 5, unusual
5 circumstances.

6
7 There are 297 credentials in Category 1
8 that's been properly executed and on time. And the
9 Committee moves that these delegates are seated.

10
11 **PRESIDENT CUMMINGS:** Okay. Already the
12 fun has started. Do we have an objection? Oh,
13 okay. We don't.

14
15 At this time, I recognize the
16 Credentials Committee Chair, Diane Bailey, for the
17 purpose of presenting the report. She's done that;
18 is there a second report? Yeah. Okay.

19
20 All right, do we have a motion -- we've
21 got a motion from the Committee that we receive the
22 report that was just presented. All those in favor
23 say aye.

24
25 (Chorus of ayes)

26
27 **PRESIDENT CUMMINGS:** All right. At the
28 "Against" mic, we have Johnnie Hernandez from Local
29 3112.

30
31 **MR. HERNANDEZ:** Thank you. Good
32 morning, brothers and sisters. I move against the
33 adoption of the Credentials Committee report.
34 Currently, our brother from CWA Local 3181, Dillion
35 Owens, from the public Sector in West Palm Beach,
36 Florida, is not being seated today because of a dues
37 dispute.

38
39 This is not by Local design or by
40 mismanagement, but a microcosm of what's happening
41 in the State of Florida. As you guys all may or may
42 not know, in 2023, Florida Governor De Santos signed
43 into law a bill, 256, which ended payroll union dues
44 deductions from all public sector employees.

45

1 In July of 2023, when DeSantis' law went
2 into effect, all dues ceased to be collected from
3 all members of 3181, which left them with zero
4 members. In that time, there was some overpayments
5 from the national. There was a new election for a
6 new board of Local 3181.

7
8 The reason I stand here is because not
9 only are they a West Palm Beach Local, they're in my
10 Hall, so we've always partnered up with them. So,
11 in that timeframe, not only have they not been
12 collecting dues, but they're having to reorganize
13 their union from zero. Currently, two out of the
14 three units are over 60 percent, which the law now
15 requires all unions to have membership, otherwise,
16 they get decertified.

17
18 Not only have they had a new board, but
19 they're going through growing pains having to figure
20 out everything that everything that every single one
21 of you guys do on a daily basis from paying their
22 Locals and reorganizing their Locals, handing their
23 grievances, and on top of that, they're negotiating
24 two contracts currently, one for Palm Beach County
25 and a wage reopener in Port St. Lucie.

26
27 So, the issue that is in dispute is just
28 how to repay that money back. And so, what
29 President Owens is asking is for more favorable
30 terms with the National because not only is he
31 having to reorganize his Local, he currently has
32 about a third of his membership that's only 10-month
33 employees, so they don't pay dues during the summer
34 months, which he is going to negotiate two contracts
35 at that time, so the proposed repayment plan it was
36 just too much for him to take on at this moment in
37 time.

38
39 He recognizes that he's been overpaid.
40 He is willing to pay that money back. He just wants
41 more favorable terms so he can keep his Local
42 running. We have helped him in 3112, my Local, to
43 reorganize his Local. He's done a phenomenal job.
44 The National has sent in organizers from New Jersey
45 that had a great week last week. So, we're asking

1 that he get seated. Thank you.

2

3 **PRESIDENT CUMMINGS:** All right. Thank
4 you. All right. Anyone else speaking?

5

6 (No response)

7

8 **PRESIDENT CUMMINGS:** Okay. So, the
9 discussion, so you'll know, was the Committee has
10 not said that they will not seat that Local yet.
11 Okay? And so, what we can do here is move forward
12 with your motion, and it should be the delegates, if
13 you want to move forward vote against the report
14 that was just given and then you can make a motion
15 that that Local is then seated and then the delegate
16 can vote. Okay? Are you all with me or did I
17 confuse you more?

18

19 **MR. HERNANDEZ:** No, I got you.

20

21 **PRESIDENT CUMMINGS:** You got me? All
22 right. Okay. So, the Committee has made their
23 report. That Local was not included in that report.
24 And so, if the delegates vote against the Committee,
25 okay, then no delegates are seated, but then we can
26 go back, and you can make a motion to add that Local
27 to that report.

28

29 **MR. HERNANDEZ:** Yes, sir.

30

31 **PRESIDENT CUMMINGS:** And then that
32 delegate will be seated, as well as the rest of the
33 delegates in here. Everybody got that?

34

35 **MR. HERNANDEZ:** Thank you.

36

37 **PRESIDENT CUMMINGS:** Okay. All right.
38 All right, so those in favor of the Committee's
39 report say aye.

40

41 (Chorus of ayes)

42

43 **PRESIDENT CUMMINGS:** Those opposed?

44

45 (Chorus of nays)

1 **PRESIDENT CUMMINGS:** Okay. Great. All
2 right.
3
4 Okay, at the "Motions" mic.
5
6 **MR. WISNIEWSKI:** Steve Wisniewski, Local
7 3108, make a motion that we seat all delegates,
8 including the delegate from 3181.
9
10 **PRESIDENT CUMMINGS:** Okay. Is there a
11 second?
12
13 **UNIDENTIFIED SPEAKER:** Second.
14
15 **PRESIDENT CUMMINGS:** All right. It has
16 been moved that all of the delegates be seated,
17 including the delegates from 3181. All those in
18 favor say aye.
19
20 (Chorus of ayes)
21
22 **PRESIDENT CUMMINGS:** Those opposed.
23
24 (No response)
25
26 **PRESIDENT CUMMINGS:** The Local is
27 seated.
28 (Applause)
29
30 **PRESIDENT CUMMINGS:** Thank you.
31
32 **MS. BAILEY:** All right. There are no
33 Credentials in Category 2, 3, 4A, 4B, or 5. Those
34 delegates, other than Category 1, who have not been
35 seated by the action of this Presidents' Meeting may
36 present themselves to the Committee by going to the
37 Credentials Committee to register for admittance to
38 the Presidents' Meeting.
39
40 Mr. President and Delegates, this
41 completes the Committee's report at this time.
42
43 **PRESIDENT CUMMINGS:** All right. There's
44 a motion made from the Committee to adopt that full
45 report. All those in favor say aye.

1 (Chorus of ayes)

2

3 **PRESIDENT CUMMINGS:** Those opposed?

4

5 (No response)

6

7 **PRESIDENT CUMMINGS:** Thank you. Let's
8 give the Committee a round of applause.

9

10 (Applause)

11

12 **PRESIDENT CUMMINGS:** Okay. I'd like to
13 call the Appeals Committee to the stage, if you
14 would. As the Appeals Committee comes to the
15 platform, I will now provide an update on the cases
16 that the 2021 and 2023 conventions ordered to be
17 arbitrated.

18

19 First, the 2023 convention ordered to
20 arbitration of the grievance of John Kappen, member
21 of CWA Local 4400, that was brought by Pete
22 Eversole, President of Local 4400, at that time.
23 President Eversole appealed the decision of the CWA
24 Executive Board not to arbitrate the Local's
25 grievance and argued that member, John Kappen, was
26 bypassed for a promotion in January of 2021 in
27 violation of the Collective Bargaining Agreement
28 with Cincinnati Bell Telephone Company.

29

30 Member Kappen has a net credit service
31 date of April 30, 2012. At the time this grievance
32 was filed on or about February 1, 2021, Member
33 Kappen was employed as a premise technician. The
34 grievance alleged Member Kappen was bypassed for a
35 universal technician position that he was
36 subsequently promoted to in January 2022.

37

38 President Eversole argued that the
39 seniority language in the CBA, specifically Article
40 D18.01, supported Member Kappen being promoted in
41 January of 2021. The 2023 convention overturned the
42 Executive Board's decision not to arbitrate this
43 case. The case was returned to the District where
44 it was settled by mutual agreement of all parties,
45 including the Local and the grievant.

1 Second, the 2023 convention ordered the
2 arbitration of the grievance of Dana Chubarov -- I
3 think that's the way that's pronounced -- member of
4 CWA Local 4527 to be arbitrated. The grievance was
5 brought before the convention by CWA Local 4527,
6 Vice President Marya McClelland, appealing the
7 decision of the CWA Executive Board not to arbitrate
8 the Local's grievance regarding this member.

9
10 Before the convention, Vice President
11 McClelland argued that Member Chubarov was
12 intentionally passed over by the Jefferson County
13 Engineering Department for two separate overtime
14 callout assignments on February 27, 2022, in
15 violation of the Collective Bargaining Agreement.
16 The CBA establishes a roster for assigning overtime
17 on rotational basis that was not adhered to on that
18 date. The 2023 convention overturned the Executive
19 Board's decision not to arbitrate this case.

20
21 The case was returned to the District
22 and arbitrated on May 22, 2024. The parties expect
23 a decision sometime in August of 2024.

24
25 Third, in 2021, the convention ordered
26 that the grievance of Fred Simposya, a member of
27 Local 7800, be arbitrated. Member Simposya was
28 terminated by MV Transportation for a motor vehicle
29 incident. The convention ordered the case
30 arbitrated and it was settled in July of 2023 with
31 an agreement that secured \$91,000 for the grievant.

32
33 At this time, I'd like to introduce the
34 Appeals Committee. Please give them a traditional
35 Union clap as I call their names. Tom Antonio,
36 President of CWA Local 1122, Chair. Brandon
37 Simmons, President of CWA Local 2105, Joe Snyder,
38 President of CWA Local 4302, and Lisa Markegard -- I
39 might've messed that up -- President of CWA Local
40 7200. And Cindy Neumeyer, President of CWA Local
41 13500.

42
43 (Applause)

44
45 **PRESIDENT CUMMINGS:** I'd like to call on

1 CWA Local 1122, President Tom Antonio, the Chair of
2 the Appeals Committee to start the Appeals Committee
3 report.
4

5 **MR. ANTONIO:** Thank you, President
6 Cummings.
7

8 The Appeals Committee convened from June
9 21st to June 23rd, 2024, for the purposes of
10 receiving and disposing of appeals in accordance
11 with the CWA Constitution in the Union's Internal
12 Appeals procedures as established by prior
13 conventions and the Executive Board.
14

15 The Committee was available to meet with
16 interested parties on June 22nd and 23rd, 2024, from
17 2:00 p.m. to 6:00 p.m. The Committee was also
18 available by appointment between June 21st and June
19 24th, 2024, outside of these hours.
20

21 I would like to thank the Committee
22 members, Tom Antonio, President, CWA Local 1122,
23 Chair; Brandon Simmons, President, CWA Local 2105;
24 Joe Snyder, President, CWA Local 4302; Lisa
25 Markegard, President, CWA Local 7200, and Cindy
26 Neumeyer, President, CWA Local 13500 for their hard
27 work and time devoted to these appeals. The
28 Committee also thanks Mike Handley, CWA District 4
29 Administrative Director, for his support and
30 assistance.
31

32 I'll now call on President Snyder to
33 read our first appeal.
34

35 **MR. SNYDER:** On March 28th, 2024, former
36 Local 9586 Executive Vice President Rene Lozoya,
37 appealed the decision of the CWA Executive Board,
38 upholding Prosecutor Adrian Acosta's recommendation
39 that charges against Local President Rick Ibarra and
40 Secretary-Treasurer David Contreras lacked probable
41 cause to proceed to a national trial panel. Member
42 Lozoya's appeal is timely and properly before the
43 2024 Presidents' Meeting.
44

45 On August 4th, 2023, Member Lozoya

1 submitted charges against Local President Ibarra and
2 Secretary-Treasurer Contreras, alleging that their
3 acceptance of a Local Trial Court verdict against
4 Member Lozoya constituted willful misconduct in
5 violation of the CWA Constitution.

6
7 Importantly, Member Lozoya chose not to
8 appeal the Local Trial Court's verdict against him
9 to the membership of Local 9586 and his charges
10 against Local President Ibarra and Secretary-
11 Treasurer Contreras were received by Secretary-
12 Treasurer Ameenah Salaam, before the expiration of
13 his appeal rights concerning the Local Trial Court's
14 decision.

15
16 Secretary-Treasurer Salaam sought
17 clarification from Member Lozoya concerning whether
18 his intent was to appeal the decision of the Local
19 Trial Court under Article XX, Section 4(a), or to
20 pursue charges against Local President Ibarra and
21 Secretary-Treasurer Contreras. Member Lozoya
22 responded, "My intent is not to appeal the decision
23 of the trial." And he further explained his
24 allegations of willful misconduct related to the
25 Local Trial Court.

26
27 Member Lozoya made numerous arguments to
28 the effect that the Local trial proceedings were
29 unfair, and Prosecutor Acosta investigated and
30 addressed each of these arguments. Prosecutor
31 Acosta found that the Local's trial was consistent
32 with the requirements of the CWA Constitution and
33 did not offend any other applicable rules or
34 policies.

35
36 The Appeals Committee believes that it
37 is important to require parties to avail themselves
38 of the established appeals procedures in the CWA
39 Constitution. Through his charges against Local
40 President Ibarra and Secretary-Treasurer Contreras,
41 Member Lozoya is attempting to reopen the Local
42 trial and to set aside the Local Trial Court's
43 verdict.

44
45 Collateral challenges to Trial Court

1 decisions through the filing of internal charges
2 must be discouraged, particularly where a charging
3 party has not exhausted their appeals rights as
4 provided by the Union's Constitution.

5
6 For these reasons, the Appeals Committee
7 recommends that the decision of the CWA Executive
8 Board be upheld and the appeal of Member Lozoya
9 denied.

10
11 **PRESIDENT CUMMINGS:** Okay. I don't see
12 anyone approaching the mic. A motion has been made
13 and seconded to adopt the Appeals Committee
14 recommendation of Appeal No. 1. All those in favor
15 say aye.

16
17 (Chorus of ayes)

18
19 **PRESIDENT CUMMINGS:** Those opposed?

20
21 (No response)

22
23 **PRESIDENT CUMMINGS:** Thank you. Motion
24 passes.

25
26 **MR. SYNDER:** I'd like to now call on
27 President Simmons to read our second Appeal.

28
29 **MR. SIMMONS:** On October 25th, 2023,
30 former Local 4009 President Tina Culver, appealed
31 the CWA Executive Board's decision not to arbitrate
32 a grievance on behalf of member Merl Nelson. The
33 Local's appeal is timely and properly before the
34 2024 Presidents' Meeting.

35
36 Member Nelson is employed by AT&T as a
37 premise technician with a net credited service date
38 of March 27th, 2015. On or about December 27th,
39 2022, due to an error on behalf of the Company's
40 staffing department, Member Nelson was mistakenly
41 awarded a promotion to the Maintenance Administrator
42 title over many more senior qualified employees.
43 Current Local 4009 President Jim Simons, inquired
44 with the company about the job placement after
45 receiving a question from a member.

1 After Member Nelson had spent about one
2 month in the title, the error was corrected. As a
3 result of Local President Simons' inquiry, the most
4 senior qualified application was awarded the
5 position and Member Nelson was returned to the
6 premise technician title.

7
8 The member who was awarded the
9 Maintenance Administrator position had a net
10 credited service date in October of 1997. Former
11 Local President Culver argued that the company
12 violated the Collective Bargaining Agreement when it
13 awarded a promotion to the most senior qualified
14 employee and returned Member Nelson, a more junior
15 employee, who had mistakenly been awarded the
16 promotion to his previous job title.

17
18 Through former President Culver's appeal
19 to the CWA Executive Board, the Local contended that
20 returning Member Nelson to the premise technician
21 title violated Appendix A11 of the CBA because it is
22 not one of two scenarios in which the Company is
23 permitted to return an employee to a title they
24 previously occupied.

25
26 The Local had taken the position that
27 under Appendix A11, the Company may only retreat
28 employees to a former position: (1) when a promoted
29 employee fails to satisfactorily complete training
30 or perform duties within the first six months of
31 being promoted or (2) when a promoted employee
32 voluntarily retreats to their former position.

33
34 Current Local 4009 President Simons
35 acknowledged these contractual arguments lack merit
36 before the Committee and argued without a basis in
37 the CBA that Member Nelson should receive
38 preferential treatment as a result of training he
39 never should've received. Local President Simons
40 also stated that his desired remedy would involve
41 the Union receiving access to the staffing system
42 before an offer is made to the selected applicant.

43
44 Neither the argument raised by former
45 President Culver, nor the argument raised by current

1 Local President Simons, would persuade an arbitrator
2 that the company violated the CBA, and both
3 arguments will work against all of the members
4 covered by the contract. Whichever argument is
5 pursued, the burden of proof would be on the Union
6 to establish that the company violated the CBA.

7
8 There is no language in the CBA to
9 support former Local President Culver's argument
10 that the company is restricted to retreating
11 employees in the manner the Local argued through the
12 Executive Board's step of the appeal. Local
13 President Simons, for his part, would have the Union
14 take a contract interpretation case to arbitration
15 when its arguments lack a basis in the CBA, are
16 refuted by the parties' bargaining history, and are
17 rooted only in fairness and equity.

18
19 As an initial matter, an arbitrator would
20 likely conclude the Local's inquiry brought the
21 company into compliance with the CBA when the
22 mistake was corrected, and the promotion was awarded
23 to the most senior qualified applicant. Even in the
24 unlikely event the Union were to prevail at
25 arbitration, the remedy an arbitrator would be most
26 likely to award is the action that ultimately
27 resulted here without resorting to arbitration.

28
29 Importantly, the staffing system access
30 currently requested by Local President Simons, which
31 is a departure from the request of the Local through
32 its appeals to the CWA Executive Board, is not a
33 remedy an arbitrator would have the authority to
34 award. The remedy requested by Local President
35 Simons has been sought by the Union with regularity
36 and would require new CBA language. There is
37 virtually no chance that an arbitrator would
38 interpret the CBA to entitle the Union to pre-offer
39 staffing system access when both the CBA language
40 and the parties' bargaining histories refute that
41 interpretation.

42
43 The arguments advanced by the Local,
44 whether by former Local President Culver or current
45 Local Present Simons, may jeopardize the vital role

1 that seniority plays for thousands of members
2 covered by the CBA. These arguments, even if
3 successful, might limit the ability of the Union to
4 challenge and force the correction of the Company's
5 mistakes in the long term.

6
7 Local 4009 prevailing at arbitration
8 would not even correct the mistake in this instance
9 because within the membership of the local there
10 were approximately 14 more senior qualified
11 applicants bypassed for the promotion and the
12 related training. The Local's case, as advanced by
13 former President Culver creates a reasonable
14 possibility that an arbitrator would determine that
15 the Company is not restricted to returning employees
16 to previous titles in the manner the Local argued.

17
18 The Local's case, as advanced by
19 President Simons, has virtually no likelihood of
20 success because the Union would be very unlikely to
21 prevail in a contract interpretation case when its
22 arguments are undermined by both the language of CBA
23 and the parties' bargaining history. Most
24 importantly, there's a reasonable likelihood that
25 arbitrating this case could result in a decision
26 that undermines the role of seniority in job
27 placement decisions.

28
29 Ultimately, in this case, the most
30 senior applicant received the promotion, consistent
31 with the requirements of the CBA and the Union
32 should not argue against that outcome. The Appeals
33 Committee believes that seniority is at the core of
34 this Union and its representation of its members,
35 and decisions which jeopardize seniority should not
36 be taken lightly.

37
38 For these reasons, the Appeals Committee
39 recommends that the Executive Board's decision be
40 affirmed and the appeal of Local 4009 President Tina
41 Culver on behalf of Member Merl Nelson be denied.

42
43 **PRESIDENT CUMMINGS:** Okay. Thank you.
44 A motion has been made and seconded to adopt the
45 Appeals Committee recommendation on Appeal No. 2.

1 At the "Against" mic, we have delegate
2 Jim Simons, Local 4009.

3
4 **MR. SIMMONS:** Good afternoon, Delegates,
5 brothers and sisters. I do rise today opposing the
6 Appeals Committee's recommendation to uphold the
7 denial of the grievance by my former predecessor,
8 Tina Culver.

9
10 Let me take some time just to clarify a
11 few stipulations. The reason why my predecessor,
12 along with Gerald Somerville, and the jobs
13 coordinator at that time, Larry Robins, took the
14 position to say that Member Nelson, along with the
15 proper person that should've been awarded the job,
16 both parties should've stayed in that position
17 because that's exactly how some of the cases were
18 being resolved at that time upfront. That was the
19 upfront argument, okay.

20
21 Since then, obviously we're a year and
22 a half out since that grievance. Let me quote
23 something from the grievance itself that should
24 scare every single one of us, especially if you have
25 AT&T.

26
27 What was brought up by the two officers
28 and Larry was that the AT&T staffing person who was
29 in charge of determining who was getting these job
30 offers clearly stated that he was not bound by the
31 contracts that are out there nationally.

32
33 Labor Relations did not dispute that
34 comment, nor what was going on. His only response
35 was the fact that they're working to correct that.
36 Okay?

37
38 So, a year and a half later 100 percent,
39 yes, we have changed what the remedy should be. The
40 only stipulation that I would agree respectfully
41 with the Committee's report is, yes, seniority is
42 the backbone and always should be. But let's be
43 honest, our contracts are not designed that way
44 anymore, especially with staffing here in the
45 Midwest.

1 Seniority, when it was absolutely these
2 issues, and these mistakes did not happen.
3 Seniority ruled everything clear cut. That is not
4 the driving force when it's determined now in the
5 staffing guidelines in the CBA. Seniority is a
6 piece of it. Okay?

7
8 So, we are not advocating that any one
9 person should get this job. We have taken the
10 request off the board and have changed our remedy.
11 Mr. Nelson, Brother Nelson should not be placed in
12 front of any one person, in any future job bracket,
13 100 percent.

14
15 We went through everything that was asked
16 at that third step and the one thing that was asked
17 that really does not cause harm to anybody is that
18 he acquired those skills that he was trained for,
19 that even the District claimed that he was getting,
20 but he cannot apply those. Give him the skills that
21 he was being trained on. Okay?

22
23 And then the second remedy, I would have
24 to say I disagree as far as the CBA goes. Our jobs
25 coordinator person, he or she has access to view
26 only, can see the list, but they cannot see who
27 these people -- who the job offers are being made
28 to. The whole goal of this whole system should be
29 these mistakes should be corrected before those job
30 offers even go out. And I can contend our former
31 Secretary-Treasurer years ago had that position and
32 had that access at that time. And over the years,
33 that has been taken away from these job
34 coordinators.

35
36 They are view-only -- we're not asking
37 that he intercedes, or he or she intercedes. View
38 who's being offered these jobs prior to them going
39 out so these mistakes do not continue to happen.
40 Again, staffing from AT&T said we do not have to
41 follow the contract. That is their attitude out
42 there right now. And I will add, the same
43 department I just had 15 employees that were
44 surplusd and placed into new job positions, the
45 same staffing people when they cut the EPCRs listed

1 them as new hires, all pensions erased, 401(k)s
2 erased based on a mistake that continues to happen.

3
4 And a year out -- we're going on a year,
5 and that issue still is not resolved by this
6 company, same department. We're not asking anything
7 be given to Brother Nelson that he is not entitled
8 to, but we should be standing for the second piece
9 of this of the members that are harmed, not just the
10 ones that (mic timed out)

11
12 **PRESIDENT CUMMINGS:** Okay. Time is up,
13 Brother. Okay. Thank you.

14
15 Okay. At the "Questions" mic, we have
16 Dave Weidlich, member from 1290. I think it's 1290
17 or 1298. 1290. What's your question?

18
19 **MR. WEIDLICH:** Okay. Dave Weidlich,
20 President of Local 1298. My question is how would
21 this impact seniority going forward?

22
23 **PRESIDENT CUMMINGS:** Okay.

24
25 **MR. SIMMONS:** Well, in the event it
26 happened again, in this Committee's opinion, it
27 would totally dismantle seniority because the
28 Company could make a decision to promote a less
29 senior person under the guise of making a mistake.

30
31 **MR. WEIDLICH:** Thank you.

32
33 **PRESIDENT CUMMINGS:** Okay. At the
34 "Against" mic, we have Gerald Somerville of Local
35 4100.

36
37 **MR. SOMERVILLE:** Greetings to everyone
38 here. I'm against the recommendation that the
39 Appeals Committee has generated because I understand
40 this, that he did not have the seniority to do that,
41 which is what I was told; that is the foundational
42 basis of this. But this blunt and clearly says the
43 most senior qualified person and one of my
44 statements is this, and I'm going to make it clear.
45 When this job was offered to Mr. Nelson and he took

1 the position, now sitting in the position. Over a
2 month plus, he's sitting there, I want to bring this
3 to the body. What if an example of this job was in
4 another state in District 4 and they gave it to him,
5 he packed up and moved over there, was over there
6 for a month plus, all settled in. Then all of a
7 sudden, we get feedback, and they say he's got to
8 move back here. He's got to move back here. He's
9 got no resources because the company's not going to
10 furnish any compensation or anything to get him back
11 to his former job with the date that's assigned to
12 him.

13 Now, in agreement with Jim, I had a
14 situation in Local 4100 prior to him where two
15 individuals were going for a business services job.
16 The gentleman was offered the job that had less
17 seniority. Both of them were equally qualified, but
18 the job was given to the person with less seniority.
19 And we had to jump through hoops. He was offered a
20 job and accepted it and had to jump through hoops to
21 get the individual that was supposed to get the job
22 to ultimately get him over to the business services
23 department.

24
25 Now, at that time, Larry Robbins was our
26 liaison for staffing at that time. He could not see
27 everything and was unable to view -- he had to make
28 a bunch of phone calls to get this corrected. And
29 what the ask here is this, other than what we
30 already asked prior because I sat in on the
31 grievance because I was one of the ones who filed
32 it. How can we get this right going forward if the
33 staffing guy cannot see everything that the Company
34 is seeing?

35
36 Two heads are better than one. Let me
37 repeat that. Two heads are better than one. The
38 way you stop this nonsense from taking place is he's
39 able to see everything that the staffing people are
40 able to see. That way when heads bump together
41 between the Union and the Company, you're able to
42 get it correct the first time instead of going
43 through all this, taking a year and a half to get to
44 this point to where we're trying to make sure that
45 things go correctly in the end term.

1 Now, all we ask of -- everything we
2 asked for because you know in a grievance you have
3 to ask for every remedy settlement that you're
4 trying to get that would be beneficial to both the
5 company, the Union, and the member itself. At the
6 end, all we asked was this, to add the skillset to
7 the member in question. That's all we asked, and I
8 don't see how that would interfere with seniority or
9 anything else. Just like the gentleman who came to
10 the mic and asked that question. That is the main
11 thing that we asked for, other than the others we
12 asked for that were ultimately denied and we agreed
13 on it. We agreed on, yeah, that would probably do
14 some damage, as a whole, but giving him the skillset
15 that he's already been for the training, has already
16 earned I don't see what damage that would cause to
17 any member, anybody in District 4, or across the
18 country, internationally, Canada, everywhere else.
19 It just doesn't make any sense to me that you
20 wouldn't give him that when he was already there for
21 over a month and was already done with the training,
22 so to speak.

23
24 That is my opinion there and that is why
25 I am against the Appeals Committee's recommendation
26 that Member Merl Nelson's grievance be denied.
27 Thank you very much.

28
29 **PRESIDENT CUMMINGS:** All right. Thank
30 you.

31
32 Okay. At the "Questions" mic, Tony
33 Spina, 1109. He wants the Committee to confirm that
34 there were 14 other more senior bidders; is that
35 correct?

36
37 **MR. SPINA:** Yes.

38
39 **PRESIDENT CUMMINGS:** Okay. Did you want
40 to say anything else?

41
42 **MR. SPINA:** I'm just hearing that, you
43 know, putting the senior person in there and then
44 putting the junior person in there wasn't there 14
45 other people that put in for that job?

1 **MR. SNYDER:** That's correct. The
2 candidate selection list was reviewed. There were
3 multiple job openings in that time period. On one,
4 the member that was placed was No. 14 and on the
5 other they were No. 50.

6
7 **MR. SPINA:** Okay. I mean that's got to
8 mean everything.

9
10 **PRESIDENT CUMMINGS:** Okay. All right.
11 Seeing there are no other delegates wishing to speak
12 on the motion, we're ready for the vote. All those
13 in favor of adopting the Appeals Committee's
14 recommendation on Appeal No. 2, signify by raising
15 your hand.

16
17 (Hands raised)

18
19 **PRESIDENT CUMMINGS:** Down hands by the
20 same -- those opposed by like sign.

21
22 (Hands raised)

23
24 **PRESIDENT CUMMINGS:** Okay. The Appeals
25 Committee's recommendation is accepted.

26
27 All right. Having addressed all of the
28 appeals before this meeting, I want to thank the
29 Appeals Committee. Let's give them a round of
30 applause, please.

31
32 (Applause)

33
34 **PRESIDENT CUMMINGS:** Thank you, guys.
35 I've been on the Appeals Committee before, so I know
36 how difficult it can be handling these, so thank you
37 guys for everything that you have done.

38
39 With that being said, we're done.
40 That's all we can handle. Pictures. Pictures. So,
41 Beth, why don't you come up and tell me -- someone
42 tell me how we want to take these pictures.

43
44 First of all, let me get a motion to
45 adjourn, please, but don't leave. All right.

1 Moved. Second?
2
3 **DELEGATES FROM THE FLOOR:** Second.
4
5 **PRESIDENT CUMMINGS:** All those in favor
6 say aye.
7
8 (Chorus of ayes)
9
10 **PRESIDENT CUMMINGS:** Those opposed?
11 Thank you.
12
13 Before you leave -- I should've said the
14 ayes have it. The noes know it.
15