

Friday, December 1, 2017

# 2017 CWA Local 7250 Election Committee FINAL Report

## Election Certification

Today, December 1<sup>st</sup> The Election Committee voted unanimously to certify the preliminary results of the CWA Local 7250 Election. The following candidates are declared the winners and will assume their office on January 1<sup>st</sup> 2018:

CWA Local 7250 Executive Vice-President: Kasie Garcia  
CWA Local 7250 Secretary-Treasurer: Chad Perkins  
CWA Local 7250 Member-At-Large: Yolanda Roth  
CWA Local 7250 Area Vice-President (Retail): Hector Capote

Previously the CWA Local 7250 membership had voted by acclamation to certify the following unopposed candidates in their positions:

CWA Local 7250 President: Shari Wojtowicz  
CWA Local 7250 Area Vice-President (Call Center): Alanna Galloway  
CWA Local 7250 Area Vice-President (DirecTV): Christine Baumgardner  
CWA Local 7250 Area Vice-President (Technicians): Sean McCawley

They also will assume office and/or begin their new term on January 1<sup>st</sup> 2018.

The full and complete vote tally is at the end of this report.

## Ballot issues

Of the approximately 576 ballots mailed out, we had approximately 10 ballots come back for bad addresses. In each case we worked with the Local President and Secretary-Treasurer to update the billing address, making direct contact with the member if possible and sending out a new ballot, witnessed by at least two Election Committee members. Approximately 4 members contacted us about not receiving ballots before the due date. We made good faith efforts to get them new ballots. In one instance, a ballot was hand delivered to a member who worked at the Call Center who stated they had not received their mailed ballot. We were not able to provide that for another member who worked at a suburban retail store. None of these member's mailed ballots had been returned to us for bad address.

## Election Count

On November 17<sup>th</sup> The Election Committee met at the downtown US Post Office and picked up submitted ballots from the separate in-coming Election PO Box and proceeded to the CWA 7250 Office and Meeting Room to tally the votes. At all times, from the PO Box throughout the count at the Union Meeting Room, the ballots were

always with at least two members of the Election Committee. While the vote count is open to members to observe (using their own time), no one chose to use that Right. We had only minimal contact with Local President Shari Wojtowicz (letting us into the office, getting supplies for us, etc.). Local President Wojtowicz was not present in the Meeting Room where the votes were tallied and never handled any of the ballots or observed the vote count or interfered in any way.

All three members of the Election Committee conducted themselves with complete integrity and fairness towards our members, the candidates and the election process. At any point that we ran into a question or concern we stopped to discuss the issue and made sure we had consensus before moving on. There were very few instances like that, however.

Before we opened envelopes we went through each ballot's return name/address and confirmed the sender as a current member of the Local. As we had previously decided, any return envelope that did not include a name or address on the outside was considered void and not opened or counted since we could not verify that the ballot came from a current Local member. There were two such instances – and those two ballots were voided without being opened. A third submitted ballot was also voided before being opened as that came from a former member at DirecTV who had taken a Management position prior to the vote count. One submitted ballot had the senders address with the name crossed out. We were able to verify that address belonged to one current member and so we validated their ballot.

Once the returned envelopes were all validated, the ballots were removed from their return envelopes and placed in a large pile and shuffled. This ensured the anonymity of each member's vote. Ballots were divided into stacks of 10 and counted twice (by separate Election Committee members) if the counts didn't match, the third member of the Election Committee carefully counted the ballots again. In the one case where the totals of one pile still didn't match all three of us counted them together for a fourth time.

There were 190 total ballots returned, three of those voided before the count leaving 187 valid votes cast. Of those 21 were from members in our Retail Area and included votes for Retail AVP. We double-checked and this number squared perfectly with the number of return envelopes we validated as having come from members from the Retail Area. Because of the close margin of the Retail Area contest, we checked those totals again – recounting every Retail ballot one more additional time.

The preliminary results were announced via email to all the candidates and posted to the Local's social media by late afternoon.

A full breakdown of the vote totals (including write-ins and BLANKS) is attached to the end of this Report.

## **Complaints**

As we previously reported in our 11/17/2017 Report to the November 2017 CWA 7250 Membership meeting, we received several complaints during the campaign period from different candidates and members – the main ones were over Local President Wojtowicz's right to send out an endorsement letter, and over the Election Committee's interpretation of rules around posting Election material in the Tower (and a couple of members

who refused to follow our instructions). For each complaint we attempted to clarify the rules and found that either there was no violation or that the violation would not affect the election integrity and results.

On the issue of Sister Wojtowicz's endorsement mailer that went out with the mailers from candidates, several members objected since Sister Wojtowicz had already been elected by acclamation and was no longer a candidate; that the mailer was allegedly presented as an official union mailer; and there was allegedly no precedent for endorsement letters from non-candidates in our Local's history. The Election Committee found that there were no rules preventing such mailings, that it was not presented as an official letter from the Local, and that just because it had never been done before in the Local did not mean it was improper. We did not accept these challenges.

We agreed though that Sister Wojtowicz's letter incorrectly made reference to her casting a vote for Retail AVP – she can't as a member from the Call Center, only Retail Workers can vote for Retail AVP. We advised her of the mistake and clarified the issue on the Local's social media. We also agreed with a complaint that Sister Wojtowicz had been inside the CWA 7250 office when she was completing her mailer. She explained that she had to be at the Office to allow Election Committee to accept mailers and she had used only a short amount of personal time and no Union supplies. We advised Sister Wojtowicz that this could still be seen as a breach of the rules and gave the impression of official Local support for her mailer. We referred the issue to District 7 reps who suggested we could make everyone whole by allowing all candidates to make use of Local office facilities to process mailers. But since all of the mailings were done and no further mailings planned or requested, we instead asked Sister Wojtowicz to apologize to the membership, which she did at the November 2017 Local membership meeting. We did not feel like this potential violation would harm the integrity of the election result though, and proceeded with the vote count two days later.

The other big issue was over posters on the outside of a few cubes facing the main outer-hallway on the 11<sup>th</sup> Floor of the Call Center. The Election Committee had interpreted the rules and decided that posters were only allowed inside personal cubes or on the outside of cubes facing the smaller inner-aisles of the Call Center floors. We felt that the outer walls facing the main hallways were mainly used by the Company and Team managers – and so were more clearly “Company Property”. One member was furious at us for this decision, feeling it hampered his free speech rights to support the candidate of his choice, and appealed to CWA District 7 and told us he was complaining to the DOL and the Company as well. But all of the candidates agreed to abide by our interpretation (even if they disagreed) and made good-faith efforts to ask supporters to move campaign literature to appropriate spaces. We then received complaints about those members who refused to move their posters. An Election Committee member met with two members to explain our interpretation face-to-face and politely ask them to comply. It was also pointed out to them that non-compliance could lead to challenges against their favored candidates. It was during this discussion where threats were made toward the election committee and the Local (implied physical threats, and threats to go to the Company's HR department) that we started to doubt whether these few members were actually truly motivated by support for their candidates or were just looking for an opportunity to attack the Union.

Some candidates were critical of us for not physically removing the out-of-compliance posters ourselves, but we felt like this would likely provoke a confrontation that could lead to Management-intervention and discipline towards ourselves or the other members.

Because of the small number of fliers out of compliance, because of the good-faith efforts of candidates to comply, because it was unclear whether the flyers were being posted by genuine supporters of the candidates, and after discussing with District 7 - we ruled that this would not impact the election results in any significant way.

A couple of other complaints were also not accepted, but are worth noting for future Election Committees. The Election Committee should not require campaign mailers to be reviewed before sending out. This complaint is supported by official DOL advice, but since there were no censored mailers, we found there was no harm this to this election cycle. Similarly, DOL instructions prevent Unions from limiting how many mailers candidates may do for their campaign. Since no extra mailers were requested or denied, this violation did not cause any harm either but, going forward, future Election Committees and Executive Board members should be aware of the DOL's position.

Immediately before and after the ballot due date and vote count we received 4 complaints from members that did not receive ballots – two of these were follow-ups from the previous number of member contacts and two were new. This is unfortunate, as it was too late at this point to send out a new ballot. All of these members though, were sent ballots in the initial mailing to the membership and none of their ballots had come back with a bad address. The two follow-ups had actually been mailed 2<sup>nd</sup> ballots to their correct address.

## **Challenges**

We received three challenges to the results of the election. All three were within the timeframe provided in the CWA Constitution, which also provides for their right to appeal our decisions on their challenges and certification of the results (Article XV Section 4b). Brother Alaric Poseley-Hatton and Brother Dave Bennett challenged the results on the basis of the out-of-compliance posters on the 11<sup>th</sup> floor of the Call Center. Brother Larry Thompson challenged the results on the basis that some Retail workers claimed they never received ballots and that his opponent Hector Capote allegedly campaigned in Retail stores while the workers he was talking to were on the clock.

Since the substance of Brother Poseley-Hatton and Brother Bennett's challenges had been previously dealt with, since we had previously discussed our approach to the poster issue with District 7, and since the margin results were not that close – the Election Committee unanimously rejected their challenges. Brother Poseley-Hatton requested a breakdown of the job titles that mailed in ballots. The Election Committee responded that this breakdown was not required and had never been done before in previous elections. We advised him that we were not necessarily against him obtaining this information, but if it is tallied it should be available to all of the members of the Local. We suggested he raise this request with the Local Executive Board of at the next membership meeting.

For Brother Thompson's challenge we found that ballots were mailed to all current members of the Local, including all Retail workers, as witnessed by the Election Committee. In addition, efforts were made when possible to get ballots out to any members whose ballot came back for bad address or who contacted the Local requesting a ballot. There was absolutely no discrimination or favoritism in the balloting towards any candidate or member in the Retail Area or in any other Area by the Election Committee.

Brother Thompson also accused his opponent Brother Hector Capote of campaigning in work areas (several retail stores) while the workers he was talking to were on the clock on August 2<sup>nd</sup> 2017. Brother Thompson indicated that this information came from several members whose names he provided and from Brother Capote's own social media postings. One Retail area member emailed us within the allowed timeframe to confirm that Brother Capote had campaigned at the Forest Lake MN retail location on August 2<sup>nd</sup> 2017 while workers were on the job. We took this seriously and emailed Brother Capote reminding him that campaigning in work areas while members are on the clock is a violation of election rules and asking him for an explanation. Brother Capote responded that he did visit several stores while he was on vacation and before he was a candidate. He stated he was speaking to members about the Mobility strike and his experience as a District 7 rep to the contract negotiations committee. Brother Capote denied making the election-related comments that the Forest Lake member reported.

The Election Committee does not have the resources or ability to further investigate this allegation to confirm which story is correct (or if it's somewhere in between). But because August 2<sup>nd</sup> 2017 was prior to CWA Local 7250 nominations and before the Election Committee set out election rules (which happened at the September 2017 membership meeting), we did not find that this challenge should nullify the Election results.

### **Summary**

To summarize, the CWA Local 7250 Election Committee made an honest and good-faith effort to conduct a fair and democratic election for the members of our Union. We found that none of the challenges provided sufficient reason to nullify the election and that the preliminary results were valid. The Election Committee unanimously voted to certify the results.

We thank all those who participated as candidates and voters and appreciate everyone's contribution to our Union. Thank you.

Challenges to certification can be made as provided in the CWA Constitution Article XV 4b.

Solidarity,

CWA Local 7250 Election Committee

Sua Lo, co-chair

Andrew Snyder, co-chair

Kieran F. Knutson

# FULL & COMPLETE 2017 CWA LOCAL 7250 ELECTION RESULTS

Total Ballots Returned: 190

Voided Ballots: 3

(2 had no return name/address listed, so couldn't verify eligibility; 1 became manager at DTV prior to count)

**TOTAL VALID RETAIL AVP BALLOTS: 21**

**TOTAL VALID BALLOTS: 187**

## CWA Local 7250 Executive Vice-President

<b>Kasie Garcia</b>	<b>163</b>
Kieran Knutson	2
Sua Lo	2
Chad Perkins	2
Russell Spartz	2
Rob Wood Jr.	2
Tyler Carlson	1
Dan Hamilton	1
Becky Timm	1
Bob Z.	1
BLANK	10

## CWA Local 7250 Secretary/Treasurer

<b>Chad Perkins</b>	<b>110</b>
Alaric Poseley-Hatton	71
Kim Kramer	1
Bart Simpson	1
Russ Spartz	1
BLANK	3

## CWA Local 7250 Area Vice-President (Retail)

<b>Hector Capote</b>	<b>12</b>
Larry Thompson	9

## CWA Local 7250 Member at Large

<b>Yolanda Roth</b>	<b>106</b>
David Bennett	72
Lorena Bobbit	1
Brandon Grafting	1
Dan Hamilton	1
Gina Kaju	1
BLANK	5