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President

Laura Reyes  
Secretary-Treasurer

Richard Abelson  
Judicial Panel Chairperson

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Steve Preble  
Itasca, MN

Jim Tucciarelli  
Staten Island, NY

February 20, 2014

**JUDICIAL PANEL CASE NO. 14-01**  
**Local 3144 Election Protest**

**GREETINGS:**

Enclosed is Judicial Panel Member Steve Preble's decision in the above-captioned case.

In Solidarity,

Richard Abelson  
Judicial Panel Chairperson

RA:spp

cc: Lee Saunders, President  
Laura Reyes, Secretary-Treasurer  
Tim Birch, AFSD  
Sal Luciano, Executive Director Council 4  
Richard Bell  
Cherlyn Poindexter  
Thomas Verderame  
Harold Brooks  
Gildemar Herrera  
Thomas Costa  
Marianne Carolla  
Ashish Desai  
Lynn Piekarz

**JUDICIAL PANEL CASE NO. 14-01**  
**Local 3144 Election Protest**

This matter concerns a protest of an election of officers held on November 13, 2013 in New Haven, Connecticut, Supervisory Employees, AFSCME Local Number 3144. Local 3144 is affiliated with AFSCME Connecticut Council 4. The case was assigned to Judicial Panel Member Steve Preble for investigation and decision. The original protest was filed on November 19, 2013. After not receiving a response from the election committee (which was disputed at the hearing), the protestant appealed to the Judicial Panel. Following due notice to all interested parties, the hearing was held on January 29, 2014 in New Haven, Connecticut.

**THE PROTEST**  
**(see attached)**

**ELECTION RESULTS**  
**(see attached)**

**REPORT OF INVESTIGATING OFFICER**

This matter involves an election protest filed by Lynn Piekarz, a member of Local 3144. She was not a candidate in this protested election.

The first item of the protest alleges that the current President falsely reported that Sister Piekarz and other Parks Department staff were campaigning on city time and because of this report, the Parks Department Head issued an email to all Local 3144 Park Department members stating that "... It is not permissible for any 3144 employee

to engage in union election activities on city time." The email also warned that disciplinary action would be taken for any infraction regarding election campaigning.

Sister Piekarz's protest states that the reporting of this to the employer created an immediate hindrance to the election process. She stated that this "warning directed solely at Parks Department employees caused an atmosphere of trepidation and anxiety regarding the election of officers for Local 3144."

First, the alleged reporting occurred prior to the election and there were no complaints by candidates or members. The issue was not raised until after the election.

Second, it was not clear that the alleged report was directed at any one campaign. The president stated that she received multiple complaints that people were interrupting them during work time and asking for names and addresses.

It was the employer who chose to remind the department that this was occurring and that union business should be conducted away from scheduled work hours. The employer has the right to that expectation. The only exception would be contractual rights of local officers, steward and committees to conduct their assigned union duties. There was no evidence of any candidate being denied the opportunity to campaign outside work hours. It was clear that many, if not all, work sites had campaign literature and flyers from campaigns. This item is denied.

The next item of the protest states that numerous Local 3144 members entered the voting location carrying postcard style campaign literature. Sister Piekarz states in her protest that voters, when seen with the cards, were told to discard them and they

were also told campaign materials could not be inside the voting venue. Other 3144 members at the hearing also stated that this was the case.

Candidates are not responsible for what voters bring into a voting location. When this kind of situation occurs, it is the responsibility of the election committee and staff to stop it immediately and explain the election rules. This did occur and voters complied with the rule. What occurred did not affect the outcome of the election. This item of the protest is denied.

The next item of the protest states that the election committee chairperson, Brother Richard Bell was not present and he failed to answer specific questions raised to him by Sister Piekarz regarding the election. At no time during the hearing was the conduct of the election itself questioned. In the chairpersons' absence, the Vice chairperson carried out those duties. There is no requirement for the chairperson to be present at all times. This item is denied.

The next item of the protest states that there were "outlandish accusations against a certain candidate" in an attempt to discredit the candidate. At the hearing members stated that there were statements by both campaigns that were questionable.

In the world of elections, many things are said and twisted. It is the responsibility of all voters to seek out all the facts and question the truth behind any and all statements they either hear themselves or are told were said. There were no complaints by candidates or members prior to the election. This item did not affect the outcome of the election or violate any member's rights and is hereby dismissed.



The next item of the protest states that members were emailed information regarding the campaigns from city email addresses and that the use of employer resources is prohibited during AFSCME elections. The Judicial Panel has consistently held that the use of the employer's email system is prohibited in that it compromises the integrity of the election process which must be free of employer influence. Consequently, this issue concerning the use of the New Haven email system for campaign mailings is found to be valid.

The last item of the protest states that numerous campaign letters mailed by the union were returned to one of the candidates and some members of Local 3144 claimed to have never received the candidate's letter at all. The addresses came from the City of New Haven's system. No candidate had control over the list. There were also other returned letters for other candidates. This item is dismissed.

### DECISION

The election protest by Sister Piekarz is upheld as to the email issue. The election must be re-run within 45 days of receipt of this decision.

February 19, 2014  
Deer River, Minnesota

Steve Preble  
Judicial Panel Member  
AFSCME AFL-CIO

Lynn Piekarz  
27 Lakewood Drive  
Madison, CT 06443  
203-823-7516

November 19, 2013

CERTIFIED MAIL #: 70062150000233988114  
Additionally: Hand Delivered 11/20/12

Mr. Richard Bell  
Election Committee Official  
Local 3144  
c/o 54 Meadow Street  
New Haven, CT 06519

Dear Mr. Bell,

As a member of Local 3144 in good standing, please be advised that I am filing an Official Protest concerning the 11/13/13 Local 3144 Election of Officers. I file this Protest of my own accord; not representing any one candidate.

My Protest is based upon the following election violations:

1. On October 30, 2013, current Local 3144 President, Cherlyn Poindexter falsely reported that I, Lynn Piekarz, and other Parks Department staff were illegally campaigning on City time for Local 3144 presidential challenger, Tom Verderame. Ms. Poindexter did not attempt to contact my direct supervisor to inquire if I was "on the clock" or on my own time while posting flyers at the Board of Education, City Hall and 200 Orange Street. As a direct result of Ms. Poindexter's false allegations my Department Head was contacted by Chief of Staff, Sean Matteson and Labor Relations Director, Scott Nabel (e-mails attached). Consequently, my Department Head issued a strongly worded e-mail to all Local 3144 members at the Department of Parks, Recreation and Trees stating that "...it is not permissible for any 3144 employee to engage in union election activities on City time." This e-mail also warned that disciplinary action would be taken for any infraction regarding election campaigning (e-mail attached).

Ms. Poindexter's actions created an immediate hindrance to the election process. The issuance of the Department Head warning directed solely at Parks Department employees caused an atmosphere of trepidation and anxiety regarding the election of officers for Local 3144. Employees avoided even mentioning the election and were apprehensive about displaying flyers in support of their candidates in the workplace.

Parks Department employee, Ms. Sabrina Bruno, e-mailed an inquiry to the Labor Relations Director regarding the e-mail warning from our Department Head. In Ms. Bruno's e-mail, she referenced Mr. Nabel's statement in his e-mail that "Only union officials have the right to participate in union business on City time." Ms. Bruno also sought clarification of Mr. Nabel's e-mail and requested that the Department Heads of the incumbents also issue a warning to 3144 employees in their departments to refrain from campaigning on City time. (e-mail attached).

Ms. Poindexter's false claims to top New Haven City Officials created a hostile environment for all other candidates and their supporters. As such, the opposition campaigns did not have an equal opportunity to campaign and proper election campaign procedures that should be adhered to were violated. As stated in the AFSCME Members' Bill of Rights, 2. Freedom of Speech, "Members shall suffer no impairment of freedom of speech concerning the operations of this union. Active discussion of union affairs shall be encouraged and protected within this



organization." Additionally, 4. Fair Elections, "Members shall have the right to fair and democratic elections at all levels of the union. This includes due notice of nominations and elections, equal opportunity for competing candidates and proper election procedures constitutionally specified." My e-mail protests regarding Ms. Poindexter's false allegations which I addressed to Cheryl Poindexter on 10/31/13; Tom Fascio, Council 4 on 11/2/13 and Sal Luciano, Executive Director of Council 4 on 11/11/13 all went unanswered.  
(e-mails attached)

2. Numerous Local 3144 members entered the voting location carrying post card style campaign literature handed out by the incumbents and their supporters. Periodically, but not consistently, Mr. Tom Fascio of Council 4 instructed the voters to discard the post cards, stating that campaign materials could not be inside the voting venue. Several times throughout the voting day; large amounts of the cards collected as voters left them on tables designated as voting areas for the election. (post card attached)

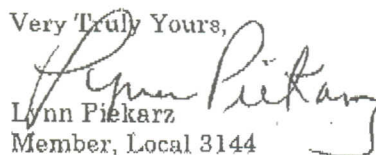
3. At the September 18, 2013 Local 3144 Union Meeting, Mr. Richard Bell was nominated to be the Chair of the Election Committee. In a letter addressed to Mr. Bell and dated 10/28/13, I requested information regarding the Election Committee and the procedures that were to be followed (letter attached). I received no written response; however, Mr. Bell contacted me via telephone on 10/28/13. Mr. Bell could not answer question #1, did not answer question #2 and in response to question #3; responded that there would be no changes to the election procedures and it was too late to provide privacy screens. As it turned out, my request for privacy screens was fulfilled at the voting venue. The issue at hand is the fact that Mr. Bell left the country days prior to the election and was not present at the election polling site the day of the election. It was not made clear who performed Mr. Bell's duties as described in question #3 of my attached letter dated 10/26/13.

4. I have received reports from Local 3144 Members that Ms. Cheryl Poindexter and Mr. Fernando Lage stated outlandish accusations against presidential challenger Mr. Thomas Verderame regarding his reasons for seeking elected office. These allegations were touted as "fact" by both Ms. Poindexter and Mr. Lage in an attempt to discredit Mr. Verderame and his candidacy. In short; they attempted to convince Local 3144 members that there was a "secret tape recording" of Mr. Verderame and his Department Head conspiring to assist each other in gaining personal benefits if Mr. Verderame was elected as President. Such slanderous methods go against the entire concept of "union brotherhood and solidarity" and may even be an illegal activity under CT State Law. Several Local 3144 members stated that they were e-mailed information regarding the campaigns from City e-mail addresses. Use of employer resources is prohibited during AFSME elections.

5. Numerous campaign letters mailed by the Union were returned marked "undeliverable" to presidential candidate Tom Verderame's home address. Additionally, some members of Local 3144 claimed to have never received Mr. Verderame's letter.

Thank you for your consideration of my election violation protest.

Very Truly Yours,

  
Lynn Piekarz  
Member, Local 3144

cc: Clarke King, President, Council 4  
Sal Luciano, Executive Director, Council 4  
Tom Fascio, Field Representative, Council 4  
Cheryl Poindexter, President, Local 3144

**AFSCME Council 4 Local 3144**  
**Management and Professional Union Official Election ballot**

**Wednesday, November 13, 2013**

**Please X one candidate in each category**

**President**

Cherlyn Poindexter 159

Thomas Verderame 123

**Vice President**

Harold Brooks 182

Gildemar Herrera 100

**District 3**

Thomas Costa 99

Marianne Carolla 125

Ashish Desai 34

\* One ballot per person