

cc: K. Murphy
P. Sampson
L. Leone

Lee Saunders
President

Laura Reyes
Secretary-Treasurer

Richard Abelson
Judicial Panel Chairperson

Judicial Panel Members:

Kahim Boles
Philadelphia, PA

Richard Gollin
Jersey City, NJ

Michael Hanna
Portland, OR

Sheila Hill
Catonsville, MD

Keith January
Detroit, MI

Gerard Jolly
Grove City, OH

Theodorah McKenna
Los Angeles, CA

Dayton Nakanelua
Honolulu, HI

Steve Preble
Itasca, MN

Jim Tucciarelli
Staten Island, NY

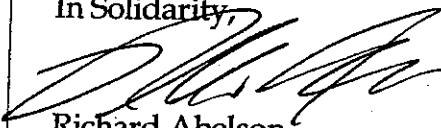
November 19, 2014

JUDICIAL PANEL CASE NO. 14-91
Local 391 Election Protest

GREETINGS:

Enclosed is Judicial Panel member Keith January's decision in the above-captioned case.

In Solidarity,


Richard Abelson
Judicial Panel Chairperson

RA:edp

cc: Lee Saunders, President
Laura Reyes, Secretary-Treasurer
Sal Luciano, Executive Director Council 4
James Howell, Regional Director O&FS
Tim Birch, AFSD
Collin Provost, President Local 391
Richard Sabonis
John Bowen
Dave Caron
Sorin Nicolescu
Mike Strogoff
Edwin Cay
Rich Zina
Johnnie Perry
LeShawn Lucey

NOV 24 2014

JUDICIAL PANEL CASE NO. 14-91
Local 391 Election Protest

This matter concerns a protest of an election for Local 391 officers held in Hartford, Connecticut on September 18 and 19, 2014. The protest was filed by Sorin Nicolescu, a candidate for Trustee in the election. Local 391, Connecticut State Prison Employees, is affiliated with AFSCME Connecticut Council 4. After receiving an unsatisfactory response at the local level, Brother Nicolescu filed a timely appeal with the Judicial Panel on September 25, 2014. The case was assigned to Judicial Panel member Keith January for investigation and decision. After giving due notice to all concerned, the hearing was held on November 5, 2014 in Hartford, Connecticut.

THE PROTEST

(See Attached)

RESULTS OF THE ELECTION

(See attached)

REPORT OF INVESTIGATING OFFICER

(While Brother Nicolescu raised seven issues in his appeal, the undersigned is bound by the issues raised in the protest filed at the local level and only those issues will be addressed in this decision.)

The first item of Brother Sorin Nicolescu's protest which was filed at the local level alleged a violation of Appendix D, Section 1C of the International Constitution. This provision states that any nominee or announced candidate for elective office shall

have the right once prior to the election to have mailed, through the union office but at private expense, campaign literature. Brother Nicolescu acknowledged that he received fifteen days notice of the nominations and election. He did not provide any evidence that he contacted the union office asking for a campaign mailing and was denied same. It is incumbent upon each candidate to contact the union office if they would like to mail out campaign literature. It is not the responsibility of the union to inform the candidates that they are entitled to a mailing. Therefore, this item of the protest is denied.

The second item of the protest states that Appendix D, Section 2B of the International Constitution was violated. This provision states that an election committee shall be established and shall have general responsibility for the conduct of the election. The provision goes on to state that the Election Committee shall "report, as expeditiously as possible, the results of the balloting, together with recommendations regarding any protests which have been lodged regarding the conduct of the election." It is unclear what exactly the protestant is alleging was violated by the Committee. In any event, the results were announced seven days after the election was complete and a formal report given at the October 2, 2014 membership meeting. This item is denied.

Next, Brother Nicolescu alleges a violation of Appendix D, Section 2E of the International Constitution. He stated that he was not aware that he was nominated, and did not have an opportunity to decline his nomination. Election Committee member Dave Caron stated that Brother Nicolescu was nominated for Local 391 Trustee position on September 17, 2014. Brother Caron also stated that three unsuccessful

attempts were made to contact Brother Nicolescu to inform him of his nomination. Since these attempts were unsuccessful, Brother Nicolescu's name was placed on the ballot. Brother Caron further stated that Brother Nicolescu expressed his knowledge of the upcoming nominations and elections and his intent to run for the Local 391 Trustee position. This item of the protest is denied.

The final item of the protest alleged a violation of Appendix D, section 2I of the International Constitution in that the protestant alleges he was not afforded the right to have an observer. However, Brother Nicolescu did not provide any evidence that he contacted the Election Committee and asked for an observer. It is the responsibility of the candidate to provide his or her own observer, not the responsibility of the Committee to provide same. This item is denied.

DECISION

The election protest filed by Sorin Nicolescu is denied in its entirety, and the election results are upheld.

November 19, 2014
Detroit, Michigan

Keith January
Judicial Panel Member
AFSCME, AFL-CIO

9/25/2014

AFSCME Local 391 Election Committee,
AFSCME Local 391 Executive Board Members,
Brothers and Sisters of Local 391,

This is a formal protest on the election for Trustee held on 9/18/2014 and 9/19/2014, submitted in accordance with the provisions in Appendix D- Elections Code, Section 4, Article B.

The election was held in violation of the Local's Constitution as well as AFSCME International Constitution, Appendix D- Elections Code, and it willfully and intentionally violated my rights as a member.

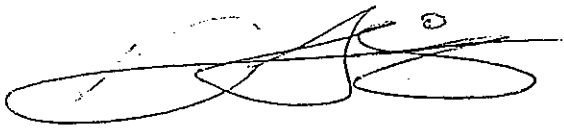
Articles violated are:

Article 6 Section 5 of the Local's Constitution.
Appendix D- Elections Code, Section 1, Article C
Appendix D- Elections Code, Section 2 Article B
Appendix D- Elections Code, Section 2 Article E
Appendix D- Elections Code, Section 2, Article I.

I formally request that this protest be made part of the Official Correspondence to the October Membership meeting, and that it be made part of the recorded minutes for said meeting.

In solidarity,

Brother Sorin Nicolescu



Received by Dave Caron

9-25-14