



**Connecticut State Prison Employees
AFSCME Local 391**

109 Elm Street
Enfield, CT 06082

Brother Nicolescu,

The election committee has reviewed your one page complaint "Protest of Election" dated 9/25/14 and received by Vice President Caron on 9/25/14. After much review our findings are as follows;

The Charges

(See Attached)

Evidence in Support of the Charges

(None Submitted)

Evidence in Refutation of the Charges

AFSCME Local 391 Constitution (Attached)

Appendix D of AFSCME International Constitution (Attached)

AFSCME Local Election Manual (Attached)

Notice of Trustee Election (Attached)

Email from Sorin Nicolescu dated 5/3/14 (Attached)

Findings of Fact

On 5/3/14 Brother Nicolescu expressed his want and intent to run for Trustee via Email to the Local Office. On September 2, 2014 a Notice of Nominations and Election was mailed out via postcard. Then once again Brother Nicolescu expressed his want and intent to run for Trustee at the September 4, 2014 Membership meeting by stating he did not like the way the election was being held because he felt it did not give him an opportunity to campaign. However elections were not until 9/18/14 and 9/19/14. So it is evident that Brother Nicolescu had ample opportunity to campaign.

Appendix D Section H of AFSCME International Constitution states "Local union elections may be conducted at the same meeting as nominations or at the following meeting or by referendum, as provided in the local union constitution.

Council elections shall be held in accordance with the constitution of the council."

Decision

Per AFSCME local election manual, notice was mailed out on September 2, 2014 to the membership of local 391, 15 days prior to the nominations on September 17, 2014.

Nominations were held at the Local 391 Office 109 Elm Street in Enfield on September 17th 2014 beginning at 4:30pm during the regular monthly E-board meeting. (*Per AFSCME local election manual the call for "other nominations" was made 3 times.*)

Voting was held on the following dates:

9/18/14 From 6:00a.m. to 9:00a.m. and from 2:00p.m. to 5:00p.m.

9/19/14 From 6:00a.m. to 9:00a.m. and from 2:00p.m. to 5:00p.m.

Ballot Counting was immediately following the completion of the 9/19/14 voting.

In regards to:

Appendix D Section 1C of the International Constitution

Brother Nicolescu expressed his knowledge of the upcoming nominations, election and his intent to run for trustee at the September 4, 2014 Membership meeting by voicing his concern about having enough time to campaign for the election.

At no point did Brother Nicolescu make any request in regards to Appendix D Section 1C of the International Constitution therefore there was no violation found.

Appendix D Section 2B of the International Constitution

Voting ended on 9/19/14 and the official results were announced via Facebook and the Union Website on 9/26/14 which is seven days after the end of the election in an attempt to get the word out to the membership. Given the fact that an Election Report needed to be authored and signed by the Election Committee and that we plan to formally present the report to the membership at the October 2, 2014 Membership meeting which is the first meeting after the election, we feel that we have acted as expeditiously as possible. Therefore no violations of Appendix D Section 2B of the International Constitution were found.

Appendix D Section 2E of the International Constitution

Ordinarily, the nominee is offered the opportunity to decline at the same meeting at which nominations are taken. If the nominee is present at the meeting the chairperson simply asks, "Do you accept the nomination?" and the answer is entered in the minutes of the meeting. If the nominee is not present, the election committee should attempt to contact the nominee later to ask the nominee to indicate acceptance or declination in writing to the election committee. However, if the nominee cannot be contacted or fails to respond when contacted, the nominee is assumed to have accepted the nomination. Therefore we find no Violations.

Appendix D Section 2I of the International Constitution

Brother Nicolescu expressed his knowledge of the upcoming nominations, election and his intent to run for trustee at the September 4, 2014 Membership meeting by voicing his concern about having enough time to campaign for the election.

At no point did Brother Nicolescu make any request in regards to Appendix D Section 2I of the International Constitution therefore there was no violation found.

Article 6 Section 5 of AFSCME Local 391 Constitution

Article 6 Section 5 of the Local constitution states "All matters concerning nominations and elections in this local union shall be subject to the provisions of Appendix D, entitled Elections Code, of the International Union Constitution." Seeing that we have found no violations of Appendix D of AFSCME International Constitution there is no violation of Article 6 Section 5 of the Local constitution.

Summary of Decision

There were no violations found and the election was properly conducted.

Respectfully submitted,

10/1/14

Richard Sabonis (co-chair special election committee)



John Bowen (co-chair special election committee)



Collin Provost (election committee)



Dave Caron (election committee)



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

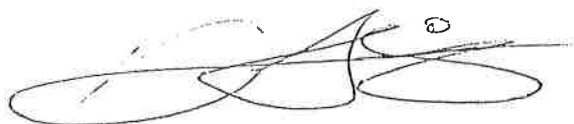
Appendix D- Elections Code, Section 2 Article E

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