

NABET-CWA LOCAL 16 EXECUTIVE BOARD

DATE OF MEETING: April 5, 2002

ATTENDANCE: President: Eugene J. Maxwell  
Vice President: James C. Joyce  
Secretary-Treasurer: Richard L. Gelber

Executive Board Representatives:

Unit #1: Joseph Brady  
Unit #2: Gary Boyarsky  
Unit #3: Gregory Ciccone  
Unit #4: Dennis Allen (Vacation)  
Unit #5: James J. Nolan  
Unit #6: Orlando Burgos  
Unit #7: Paul Vasquez

The meeting was called to order at 10:32 a.m. by President Capitano.

**1. Election Challenge**

Elections Committee Chairman Frank Schiraldi reported on Brother Vincent Ioele's challenge to the Local 16 Presidential and Executive Board Unit #2 elections. The Executive Board discussed all related issues.

Motion (#02-001):

The Executive Board of NABET-CWA Local 16, having received a challenge, as amended, to the 2002 Local 16 Presidential and Executive Board Unit #2 elections, filed by Brother Vincent Ioele, and having considered fully the challenge, its amendment, and the written and oral reports of Elections Committee Chairman Schiraldi, the Board hereby denies the challenge and certifies the election results as previously published by the Elections Committee, except as follows:

The additional ballots received after the count shall be kept unopened with the counted ballots for at least one year, except for the one extra ballot received with

**1. Election Challenge - Cont'd**

a valid postmark, which shall be opened and added to the count. In addition, the published results shall be amended to include and categorize all envelopes received. The challenge, the amendment and Brother Schiraldi's written report shall be published with the minutes of this meeting.

Moved: Joyce

Seconded: Brady

Passed Unanimously

The Board will take up and consider changes to election procedures for the future at an upcoming meeting.

The Board also expressed its appreciation to Elections Committee Chairman Schiraldi for his outstanding efforts (applause).

**2. Swearing-in of New Officers**

Outgoing President Capitano swore in newly-elected President Eugene Maxwell and expressed his best wishes (applause).

President Maxwell assumed the chair, and former President Capitano then left the meeting.

President Maxwell swore in re-elected Vice-President Joyce for his new term (applause).

President Maxwell swore in newly-elected Executive Board Representative, Unit #2, Gary Boyarsky (applause).

President Maxwell swore in re-elected Executive Board Representative, Unit #6, Orlando Burgos (applause).

President Maxwell expressed his acknowledgement that there were intense feelings surrounding the campaign and election and expressed his desire to work together with everyone on the Executive Board for the benefit of all the members of Local 16.

**3. Minutes of Previous Meeting**

The minutes of the previous meeting, held on March 1, 2002, were approved as submitted.

Moved: Nolan

Seconded: Brady

Passed Unanimously

Abstain: Boyarsky

**4. New Members**

The following members were accepted into membership contingent upon payment of initiation fees, dues, and verification of application:

D. Walker                      M. Ackerman

Moved: Ciccone                      Seconded: Brady                      Passed Unanimously

**5. Grievance & Arbitration Report**

Vice-President Joyce reported that David Gordon's discharge was arbitrated last Tuesday. The Union is hopeful for a favorable decision by the arbitrator.

A grievance was filed over the "outside employment" suspensions. Copies of recent grievances were distributed. A draft of a proposed settlement of the Network Maintenance downgrade grievances was handed out for discussion.

ABC is offering a tax-qualified benefit called "Wage Works" to its non-union employees in New York. NABET is studying the discriminatory aspects.

The Union is awaiting a decision from the NLRB Regional Director over the service award ("Tinkerbell") charge.

The Executive Board discussed recent changes in the ABC 401K plan.

The CWA has filed an Unfair Labor Practice charge with the NLRB regarding the termination of Ronald Reid (WABC-TV Teleprompter Operator) and his denial of Weingarten rights. Brother Reid will be entitled to financial assistance from the CWA (through Local 16).

Vice-President Joyce is working on resolving some discrepancies with members' adjusted seniority dates.

Secretary-Treasurer Gelber summarized some members' and retirees' benefits problems that he has been handling since the retirement of Irv Conner. Some higher-level Disney contacts have been instrumental in solving problems that could not be solved by the Disney Benefits Center. A member on LTD was to have his disability benefits cut off seven days after Metropolitan Life asked him for additional documentation of his disability. This was reversed and all applicable documentation has been submitted. The same member was about to lose his medical coverage due to his erroneously having been put on COBRA eighteen months ago. This has also been rectified. Several members on LTD had difficulty obtaining their W-2 forms for 2001, which are now issued by Metropolitan Life. Local 16 sent letters to all members on LTD informing them how to get the forms if they had not yet been received.

**6. Secretary-Treasurer's Report**

Secretary-Treasurer Gelber distributed the receipt and disbursement reports for February, 2002, and the Annual Financial Report for the fiscal year ending September 30, 2001. Executive Board members' questions regarding the February reports were addressed, and the Annual Financial Report will be discussed at the next meeting.

**7. Amendments to By-Laws 3.2(c), 3.3(b), and 3.4(f) (Officers' Stipends)**

Motion: To enter Executive Session.

Moved: Joyce                      Seconded: Gelber                      Passed Unanimously

Motion: To emerge from Executive Session.

Moved: Joyce                      Seconded: Nolan                      Passed Unanimously

Motion: To amend the Local 16 By-Laws by adding the words "when the office is not a full time, paid, position" to the end of By-Law sections 3.2(c), 3.3(b), and 3.4(f).

Moved: Boyarsky  
No second, motion fails.

**8. Picnic ± Bruce Giarraffa Appearance**

Picnic Committee Chairman Bruce Giarraffa appeared before the Board and discussed proposed changes in the picnic attendance rules and their associated costs. The Board decided by consensus that the charge for additional adult guests will be increased to \$25. A refundable bus deposit will also be required. Full details will appear on the picnic registration form, to be distributed shortly.

**9. President's Salary**

President Maxwell stated his intention to accept as salary, for the time being, Group 8 plus 35 %, rather than the Group 8 plus 40 % previously adopted by the Executive Board. (No action required)

**10. President's Car Lease**

The Board discussed the status of the Local 16 President's leased car, which President Maxwell does not wish to use. The lease is at the rate of \$475 per month. An advertisement will be issued by e-mail to Local 16 members and also placed in Scene-16, to see if any member is interested in assuming the lease. A negotiable subsidy will also be considered towards the monthly payment.

**11. President's Fax Machine**

Motion (#02-002): To allocate up to \$250 for the purchase of a fax machine for use by President Maxwell.

Moved: Nolan                      Seconded: Brady                      Passed Unanimously

**12. Presidents' Computers**

Motion (#02-003): To transfer ownership to former President Capitano of a five-year-old Compaq laptop computer of minimal value.

Moved: Vasquez                      Seconded: Ciccone                      Passed Unanimously

Motion (#02-004): To allocate up to \$1800 for the purchase of an office computer for President Maxwell.

Moved: Gelber                      Seconded: Vasquez                      Passed Unanimously

**13. Local 16 Representative to Network Negotiating Committee**

Motion (#02-005): To designate Eugene Maxwell the Local 16 representative to the ABC Network Negotiating Committee with assistance from James Joyce.

Moved: Nolan                      Seconded: Brady

Motion: To enter Executive Session.

Moved: Nolan                      Seconded: Vasquez                      Passed Unanimously

Motion: To emerge from Executive Session.

Moved: Nolan                      Seconded: Ciccone                      Passed Unanimously

President Maxwell suggested that the original Motion (#02-005) be amended to stop after the word "Committee". This was accepted as a "friendly amendment" by the maker, J. Nolan. Therefore, the Motion (#02-005), as amended, now reads: To designate Eugene Maxwell the Local 16 representative to the ABC Network Negotiating Committee.

Motion: To table Motion #02-005.

Moved: Burgos                      Seconded: Gelber

In Favor: Gelber, Ciccone, Burgos, Vasquez

Opposed: Brady, Boyarsky, Nolan

Abstain: Joyce

Motion #02-005 tabled.

**14. Finance Committee (Discussion)**

President Maxwell requested that the Board consider the membership of the Finance Committee and whether the Committee should be appointed by the Executive Board or by the President. Vice-President Joyce stated that he believes that the Sector By-Laws assign this right to the Executive Board. Secretary-Treasurer Gelber indicated that the Finance Committee will still be scheduled to meet in mid-April to discuss the first half of the current fiscal year.

**15. Audit Committee (Discussion)**

President Maxwell stated that he believes that Local 16 should have an Audit Committee. Vice-President Joyce stated that the CWA concept of a Local Audit Committee is intended for locals that do not have their books audited by a C.P.A. (which is not required by the CWA Constitution), and that Local 16 does have such an audit, annually. Secretary-Treasurer Gelber reminded the Executive Board that any Board member can see the books, or any portion, at any time.

**16. Political Report**

Vice-President Joyce reported that Local 16 was presented with the annual COPE award at the CWA District Conference as the local in District One with the largest percentage increase in COPE contributions. The CWA annual COPE drive is starting; a mailing will go to all shop stewards and current contributors. A New York State Assembly district in the Upper West Side of Manhattan has been substantially changed due to redistricting, and a contested election is taking place. The annual CWA District One Albany Lobbying Day will take place on May 14. The CWA Annual Legislative Conference in Washington was very successful; Jim Joyce, Paul Vasquez, Debbie Simmons, and Mike Cullen represented Local 16. Much attention was paid to FCC multiple ownership and cross ownership regulatory issues.

(Executive Board Rep. Unit #5 J. Nolan left the meeting at this point.)

**17. Training Report**

Paul Vasquez described the ongoing efforts to obtain "H1B" grant money by BURST. The Board discussed future training program plans and costs.

**18. Organizing Report**

Jim Joyce reported that the NLRB has scheduled the RCN representation election for April 19, with balloting to take place at two locations. The Board's Unit Definition decision agreed mostly with Local 16's requests.

**18. Organizing Report - Cont'd**

Several other organizing efforts continue, as do the initial contract negotiations for the WABC-TV Teleprompter Operators.

**19. Amendment to Local 16 By-Law 2.6(b) (Biographical Sketches)**

Gary Boyarsky suggested broadening the limitations on election materials.

Motion: To amend Local 16 By-Law 2.6(b) to add the words "and platforms" immediately following both appearances of the word "sketches".

Moved: Boyarsky  
No second, motion fails.

**20. Article X Fines**

Gary Boyarsky brought up Article X fines that were issued by Trial Bodies against certain members. The Board discussed the question and took no action.

**21. Liability Insurance for Local 16 Officers**

The Board discussed liability insurance for its members. The Executive Board believes the Local's officers are adequately protected against liability.

**22. CWA Health & Safety Conference**

Motion (#02-006): To send Stephan Barreres to the CWA Health & Safety Conference in Cleveland, with costs not to exceed \$2000.

Moved: Joyce                      Seconded: Burgos  
In favor: Joyce, Gelber, Vasquez, Burgos, Brady  
Opposed: Ciccone, Boyarsky  
Motion adopted.

**23. Retiree Medical Benefits**

G. Ciccone asked for an update from counsel. President Maxwell will raise the issue at the upcoming NCC Meeting. Local 16 is also looking for a suitable grievant to test one aspect.

**24. Working for America Conference**

R. Gelber reported that (as RVP-1) he requested, and obtained, from Sector President Clark, a commitment to help fund Local 11 and Local 16's participation in this conference in the amount of \$1000 per local plus half of all registration fees up to the maximum stated in the Sector Policies.

Motion (#02-007): To send up to 2 representatives, depending on participation by BURST, to be selected by President Maxwell, to the AFL-CIO Working for America Conference in Philadelphia in April, costs not to exceed \$3000 after contribution by the NABET-CWA Sector.

Moved: Gelber                      Seconded: Burgos  
In favor: Joyce, Gelber, Brady, Ciccone, Burgos, Vasquez  
Opposed: Boyarsky  
Motion adopted.

**25. Post-Production Audio Steward**

Gary Boyarsky and Joe Brady will handle a temporary steward representation problem in the Post Production Audio area.

**26. Working Families Party Fund Raiser**

Motion (#02-008): For 2 Local 16 representatives to attend the Working Families Party fund-raiser at the "Supporter" level (\$1000 for Supporter listing, including 2 tickets).

Moved: Vasquez                      Seconded: Brady                      Passed Unanimously  
Abstain: Boyarsky

**27. Jack Moran Run for Safety**

Jim Joyce reported that CWA Local 1106 gave \$900 to the DiFranco family in connection with its "Jack Moran Run for Safety" event.

CWA Local 1108 also gave \$500 to the Don DiFranco Scholarship Fund.  
The IUE District One (part of CWA) pledged \$2000 to the Fund.

The next meeting of the Executive Board will be on Wednesday, May 1st at 10:00 a.m.

The meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Richard L. Gelber

RLG:ph  
opeiu153afl-cio

March 11, 2002

NABET- CWA Local 16 Executive Board  
80 West End Avenue  
New York, NY 10023

Dear Sirs,

I am a member in good standing and as per Section 7.12 of the NABET- CWA Local 16 By-Laws, I hereby challenge the legality of the recent elections for President and Executive Board Unit #2.

There is a reasonable expectation that there are ballots properly executed and postmarked that have not been collected from the post office and therefore have not been counted. Such non-collection and non-counting of ballots is tantamount to disenfranchisement.

The Elections Committee should return to the post office and check the drop box daily until there can be no reasonable expectation that such properly executed and postmarked ballots are outstanding. Any such properly executed and postmarked ballots should be counted. The Elections Committee should issue amended election results as warranted.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent Ioele". The signature is written in a cursive style with a large, stylized initial "V".

Vincent Ioele

March 18, 2002

NABET- CWA Local 16 Executive Board  
80 West End Avenue  
New York, NY 10023

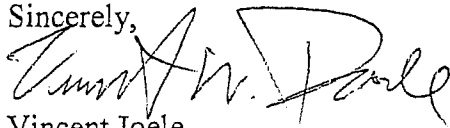
Dear Sirs,

On March 11, 2002 I challenged the legality of the recent elections for President and Executive Board Unit #2, as per Section 7.12 of the NABET- CWA Local 16 By-Laws.

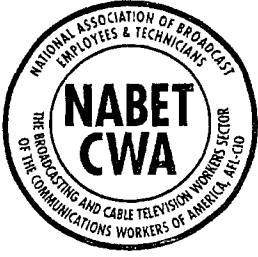
Please amend that challenge as follows:

In addition, on information and belief, not all of the ballots cast and received at the Post Office by the Elections Committee on the day of the vote count, are accounted for on the March 6, 2002 tentative certification of results. Therefore, on information and belief, there are ballots from eligible voters that were not counted in these elections, in violation of Section 401 of Labor-Management Relations Disclosure Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent Ioele". The signature is written in a cursive style with a large, prominent initial "V".

Vincent Ioele



## NABET-CWA LOCAL 16

80 WEST END AVENUE, 5TH FLOOR  
NEW YORK, NY 10023

TELEPHONE: (212) 757-7191  
FAX: (212) 247-4356

April 5, 2002

To: Members of NABET-CWA Local 16 Executive Board  
Re: Brother Vincent Ioele's Election Challenge

This is in response to Brother Vincent Ioele's letter regarding the challenge of the President and Executive Board Unit #2 Elections.

Prior to the mailing of the ballots I consulted with Secretary-Treasurer Richard Gelber on what date to set for the counting of the ballots. We agreed upon March 6th feeling this was more than enough time from the post mark due date of March 1st.

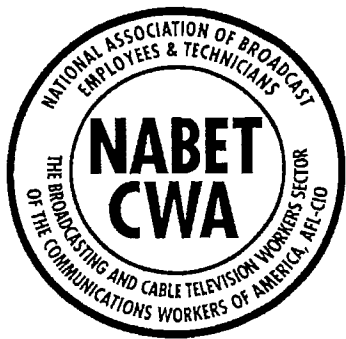
I still feel this was more than enough time for all the ballots to be received at the Post Office Box and I disagree with Brother Ioele's statement that not all the ballots had been collected and counted. Furthermore, Brother Brendan Black, a member of the Elections Committee and I went back to the Post Office box the night of March 6th at about 7PM and checked the box. There were 4 ballots all post marked after March 1, 2002. Brother Black and I checked the box on March 16th and collected 1 ballot post marked after the March 1st deadline. Brother Black and I once again checked the box on March 26th and collected one more ballot post marked March 1, 2002. This was the last time we checked the Post Office Box because we are now in the middle of the Sector Conference Election.

As for the rest of Brother Ioele's objections I do not understand what his objections are. He said he had information that not all ballot's were accounted for. All ballots that were received were counted and sealed along with ballot envelopes, outer envelopes, invalid ballots, and the eligibility list in accordance with Section 7.14 of the Local 16 by-laws. The Elections Committee finds no merit in Brother Ioele's Protest.

Fraternally,

A handwritten signature in cursive script that reads "Frank E. Schiraldi".

Frank Schiraldi  
Elections Committee Chairman



# BULLETIN

**NABET-CWA LOCAL 16**

PLEASE POST

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APRIL 5, 2002 - REVISION

**TO: THE MEMBERSHIP OF NABET-CWA LOCAL 16**  
**FROM: FRANK SCHIRALDI, CHAIRMAN, ELECTIONS COMMITTEE**  
**RE: ELECTION RESULTS - PRESIDENT OF NABET-CWA LOCAL 16**

**OUTER ENVELOPES**

Envelopes Received	735
Invalid Envelopes	1
Valid Envelopes	734

Ballots Received Post Marked After March 1, 2002	5
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**BALLOT ENVELOPES**

Ballot Envelopes Received	734
Invalid Ballot Envelopes	2 Ballots Not in Ballot Envelope 1 No Ballot Envelope 1 Ballot Envelope Opened
Valid Ballot Envelopes	730

**BALLOTS**

Ballots Received	730
Invalid Ballots	0
Valid Ballots Cast	730

**RESULTS**

ANTHONY B. CAPITANO	345
EUGENE J. MAXWELL	385

**BROTHER MAXWELL HAVING RECEIVED A MAJORITY OF THE VOTES CAST IS  
HEREBY DECLARED ELECTED PRESIDENT.**