

**Report of the  
Appeals Committee  
to the  
75th Convention**

**CWA**

**Communications Workers of America  
June 8-10, 2015  
Detroit, Michigan**

## INTRODUCTION

The Appeals Committee convened June 4 through June 7, 2015, at the Marriott Renaissance Center, in Detroit, Michigan, for the purpose of receiving and disposing of appeals in accordance with the CWA Constitution and the Internal Appeals Procedures of the Union, as established by prior Conventions and the Executive Board. The Committee was available to meet with interested parties on June 6 through June 7 between the hours of 2:00 pm through 6:00 pm. Outside of these hours, the Committee was available by appointment. We thank the Committee members – Todd Leyda, President, CWA Local 4302, Chair; Debra Brown, President, CWA Local 3706; Mary Ann Hopkins, President, CWA Local 6502; Michael Frost, President, CWA Local 7603, and Greg Schafer, President, IUE-CWA Local 86116 for their hard work and the time they devoted to these appeals. Also, the Committee thanks Gail Evans, Administrative Director, CWA District 2-13, for her support and assistance.

## APPEAL 1

On January 5, 2015 Mr. Jesse Averhart and Ms. Mary Walker, both members of CWA Local 1033, appealed the decision of the Executive Board to uphold the recommendation of Prosecutor Patrick Hunt that charges not be prosecuted and the appeal of members Averhart and Walker be denied.

The original charges alleged that the Local 1033 Executive Board violated Article XIX Section 1 (c) and (i) of the CWA Constitution. Article XIX, Section 1(c) and (i) reads as follows: (c) Willfully violating the Constitution of the Union, Local Bylaws or rules; (i) For such other offenses, equally serious, which tend to bring the Union or the Local thereof into disrepute.

The charges allege:

1. Local 1033 Executive Board authorized the creation of an ad hoc Executive Committee to run the daily affairs of the Local.
2. Local 1033 Executive Committee permitted the Election Committee to promulgate election rules.
3. Local 1033 failed to distribute the contract to the membership in a timely fashion.
4. Local 1033 has created a conflict that precludes the Local from representing Mr. Averhart.

On June 17, 2014, Patrick Hunt was appointed prosecutor for the charges and complaints brought by Mr. Averhart against the Executive Board of Local 1033.

Prosecutor Hunt performed an investigation into each individual charge. In a detailed report to President Cohen, Mr. Hunt found no violations of the CWA Constitution, and recommended no charges be prosecuted. The Appeals Committee agrees with the Prosecutor and the Executive Board that the charges are not substantiated and, therefore, do not merit prosecution.

After a thorough review of the case and a conversation with Prosecutor Hunt, the Appeals Committee recommends that the decision of the Executive Board be upheld and the appeal of Mr. Averhart and Ms. Walker be denied.

## **APPEAL 2**

On December 17, 2014, Ellis Ryan, President, CWA Local 3140, appealed the decision of Independent Referee Willie L. Baker, Jr., regarding a jurisdictional dispute between CWA Local 3140 and CWA Local 3010. Article XIII, Section 4(a)2, of the CWA Constitution provides that: “The decision of the referee may be appealed to the CWA Convention within thirty days of receipt of the referee’s decision. Such appeals shall be presented to the Convention by the Convention Appeals Committee. The only responsibility of the Appeals Committee shall be to convey the decision and opinion to the Convention without making any recommendation.” The decision was copied and provided to all delegates on the tables today. Independent Referee Willie L. Baker, Jr.’s decision is now before you.