



Decision
Local 617 Election Objections Hearing

October 4, 2016

The Election Committee convened on September 27th, 2016 at 4:00 p.m. for the Local 617 Election Objection Hearing. At this hearing the Election Committee was prepared to hear evidence from both candidates and to render a decision on whether the election was conducted in a fair manner or whether the election should be overturned and rerun. The hearing was based on Mr. Jeffrey Ricks' objections to the secret ballot election for President of Local 617. Those objections were filed on August 2nd and August 24th. Mr. Ricks had requested that the hearing start at 5:00 p.m. to accommodate his work schedule, so the election committee waited until Mr. Ricks arrived and then began the official proceedings at 5:01 p.m. The election officers asked that all phones be placed on silent and stated that the meeting could not be recorded. Mr. Ricks stated that he wanted to record the meeting and if he was not allowed to record the meeting he would leave. The Election Committee intended to caucus and render a decision on the matter of recording the hearing. Mr. Ricks was asked to wait a few minutes for a determination. Mr. Ricks decided to leave before a decision could be rendered. Due to the fact that Mr. Ricks did not present any evidence and proceeded to walk out of the hearing, his case is dismissed.

However, the Election Committee believes in transparency and will provide the members with a decision regarding Mr. Ricks' election objections based on the evidence in the Committee's possession. Please see below:

Grievance:

I. Timing of election:

- The ballots were mailed out on July 21st and voted ballots had to be received by August 11th. That provided each person about 22 days to receive and mail out their ballot, which is more time than required. There are no regulations that determine what month the election should be held. However, if, in the future, members prefer to conduct

the election during another month, they can bring that suggestion to the Election Committee.

II. Candidate Forum:

- Conducting a candidate forum is a good suggestion and we hope that Local 617 members raise this issue before the Election Committee that supervises the next election. However, this is not a requirement for the election.

III. Mail- in election ballots:

- There is nothing wrong with conducting a secret-ballot union officer election by mail-in ballot.

IV. Return envelope postage:

- This is not a requirement for an election; it is an option. This option can be considered in the next election.

V. Member address accuracy:

- Members were provided a phone number to call if they did not receive a ballot.

VI. Vetting of ballots on August 11th 2016

- The Election Committee carefully vetted all ballots received by August 11. Mr. Ricks' objections specify no irregularities regarding the vote count.

VII. Member voter eligibility

- Mr. Ricks was invited to participate, personally and/or through an observer, at the ballot count. There, he would have had the opportunity to challenge any voter's eligibility. He failed to attend. Nor has he identified any ineligible individuals who voted in the election.

VIII. Proof all ballots mailed by Thursday, July 21, 2016

- All candidates were provided information about the date of the mailing to observe mail being prepared and mailed.
- The list of members to whom ballots were mailed was available to both candidates for inspection before the mailing was sent and at the vote count on August 11th.

IX. Ambiguity and confusion of mail-in ballot letters and instructions:

- We followed the suggested protocol for how to do a mail-ballot notice and instructions.
- X. Discarded ballots:
- All ballots are securely kept. We have not and will not discard any ballots for a year as required by federal regulations.
- XI. Intimidation by election official:
- The Election Committee and the Joint Board believe in transparency and the participation of its members. It is unaware of any intimidation by any election official. Nor has Mr. Ricks identified any act of intimidation nor any official who committed any such act.

Based on the evidence of which the Election Committee is aware, Mr. Ricks' objections lack merit. Mr. Ricks has some good suggestions that the Election Committee may consider for future elections. However, the Election Committee concludes that the secret-ballot election for President of Local 617 that concluded on August 11, 2016 was held in a fair manner.

Right to Appeal this Decision:

This decision can be appealed by a candidate, a member of the election committee or any other member adversely affected by the decision by appealing to the Joint Board Meeting of LDFS Joint Board, Workers United, SEIU. Any appeal must be post-marked no later than 10 days after the decision is issued, i.e. no later than October 14th, 2016. Appeals must be in writing, signed and dated by the appealing party, and mailed to:

**Wilfredo Larancuent, Manager
LDFS Joint Board, Workers United, SEIU
18 Washington Place, 2nd Floor
Newark NJ 07102.**