

Local 983 Election Committee
c/o Joe Oro, Local 983 Election Committee Chair
125 Barclay Street
New York, New York 10007

June 22, 2023

To: Members of Local 983
From: Local 983 Election Committee
Re: Report on the Local 983 Elections which took place on May 15, 2023

INTRODUCTION

The Local 983 Election Committee consists of Brother Joe Oro, a member who works at New York City Park and Recreation, Brother Raymond Puello, a member who works at New York City Parks and Recreation, and Brother Arias Galvanes, a member who works at New York City Parks and Recreation. Brother Oro has been a Local 983 member since 1987, Brother Puello since 1997, and Brother Galvanes since 2012. Thus, collectively, the committee members, unpaid volunteers all, have been AFSCME members for over 73 years.

The Committee provides this report in response to the post-election protest dated May 22, 2023, and received on May 23, 2023, filed by behalf Brother

Jolifier Noe. Brother Noe was a candidate. For the reasons laid out here, the Committee rejects the protest filed by Brother Noe.

BACKGROUND

The Committee conducted in-person nominations on April 15, 2022. Shortly after that meeting, a number of people who had attended became ill with COVID. In light of that, and in light of the continued transmission of COVID, the Committee committed to insuring that members would be allowed to vote remotely, if they wanted, so that no member would need to risk COVID in order to vote. The Committee felt strongly, after seeing members who attended the nomination meeting getting sick with COVID, that offering a remote voting option was the right thing to do.

Article XIII(1) AFSCME Constitution says that a member cannot sue a local or a local officer over any dispute for which the AFSCME Constitution provides a remedy. The AFSCME Constitution provides a post-election remedy for election protests – members can appeal a decision of a local election committee to AFSCME. Despite this, Brother Noe and members Carmen Rodriguez, Nativa Palmer, Eric Auguste and Richard Rivera sued Local 983 in the Spring of 2022, shortly before election day, which the Committee had scheduled for June 14, 2022. They asked the Court to enjoin the election, and it did, in a ruling issued on the afternoon of June 10, 2022. We attach a copy of that ruling as Exhibit “A”.

The Court's June 10, 2022 ruling barred the election from going forward until it approved of an election plan that followed the dictates of the June 10, 2022 ruling. The June 10, 2022 ruling required the plan to be submitted within 30 days, and to be provided to Brother Noe and the other members suing the local. The Committee appealed the June 10, 2022 ruling, but also, in order to adhere to the June 10, 2022 ruling, provided a draft election plan to Brother Noe's lawyer and the Court.

The Local appealed the Court's ruling. In July 2022, the New York State Supreme Court, Appellate Division, First Department, issued an order forbidding the lower court from scheduling an election until the First Department ruled on the appeal.

In a decision dated February 9, 2023, the First Department reversed the June 10, 2022 Order. It ruled that the lawsuit should have been dismissed under a case called *Martin v Curran*, and also because the members who had brought the lawsuit had a duty to exhaust their internal AFSCME remedies. A copy of that decision is attached as Exhibit "B". Rather than end the litigation, Brother Noe and the others who sued the local decided to keep that litigation going. They asked the New York Court of Appeals to hear their appeal. On June 15, 2023 that Court turned them down, denying their motion for leave to appeal. A copy of that ruling is attached as Exhibit "C".

Meanwhile, once the First Department issued its ruling, the Election Committee rescheduled the election, this time for May 15, 2023. The election was held that day, and a slate headed by Brother Joseph Puleo won. While the votes for each individual office varied a small amount, the members of the slate headed by Brother Puleo won by a margin of about 3 to 1. Approximately 480 members cast valid votes.

In scheduling the May 2023 election, the Local 983 Election Committee followed the same plan which was in place for the Local 983 election prior to the commencement of the litigation and which included voting in-person, online, and by telephone – all in accordance with the constitution of the American Federation of State, County and Municipal Employees which the constitution of Local 983 is subject to and bound by.

As with the Local 983 election which was scheduled prior to the commencement of the litigation, the American Arbitration Association was engaged as a neutral and independent body to administer the Local 983 election (the American Arbitration Association having administered Local 983 elections in the past). This included programming the American Arbitration Association website for the election with the names of all of the candidates and the offices that they were running for based upon their nominations as well as the names of their respective slates, creating the Notice of Election and Voting Instructions (a copy of which is annexed hereto and labeled Exhibit “D”), sending out the Notice of Election and Voting Instructions with

a “PIN” number to the members of Local 983 in accordance with the membership data received from District Council 37, making arrangements for and setting up the location at Local 1707 where the in-person voting took place (with seating, tables, and laptops), providing technical support (both on-site with two (2) employees from the American Arbitration Association and via a telephonic “help line”) for members who experienced any issues, and actually holding the election itself (the polls for which opened at 6:00 A.M. and closed at 7:00 P.M. on May 15, 2023). Any member requesting assistance was required to provide the last four (4) digits of their social security number in order to verify their identity and determine if they were eligible to vote.

With three (3) minor exceptions (all of which were handled by the Local 983 Election Committee whose committee members were present for the entire election) the election itself went very smoothly and every member of Local 983 who was entitled to vote was given a full and fair opportunity to vote in accordance with the Notice of Election and Voting Instructions which were mailed out to each of them by the American Arbitration Association.

The three (3) minor exceptions were as follows:

i. Starting at approximately 7:00 A.M. and for about an hour and a half thereafter a photographer with camera that had a large telephoto lens attached to it attempted to photograph members of Local 983 as they entered the building where Local 1707 is located, as they voted, or as they left the building where Local 1707 is located. The Committee had him ejected from the building, from a large window in

front of the location where the voting was taking place, and from across the street from the building where Local 1707 is located. It was readily apparent to the Local 983 Election Committee that the photographer (who refused to identify himself or the individual or individuals who were paying him to be present) was there for a nefarious purpose and to intimidate and/or harass members of Local 983 who came to vote in the election.

ii. At approximately 8:00 A.M. and again at approximately 10:15 A.M., a number of Observers/Candidates were talking loudly both to each other and on their telephones in the hallway just outside of the location where the voting was taking place despite prior warnings by the Local 983 Election Committee that there was to be no conversations inside the building. The Observers/Candidates were asked in each instance by the Local 983 Election Committee to take any such conversations outside and complied accordingly.

iii. At approximately 4:15 P.M. a member came in and spoke with the on-site employees of the American Arbitration Association because the member didn't have a "PIN" number. Both on site and via the help line, approximately 10 members, until that point, had said they wanted to vote, and, after checking with DC37 to verify their eligibility, they were issued a "PIN" number and allowed to vote. However, in this particular instance Brother Noe was present and went into a loud rage. He said that forty (40) members had been present earlier in the day. He claimed that, like this member - whose eligibility to vote was confirmed and a "PIN" number issued, - these forty members didn't have "PIN" numbers and that,

notwithstanding the voting instructions which explicitly stated that members should call the help line if they experienced any problems, he told each of the forty (40) members to leave if they didn't have a "PIN" number. It should be pointed out that neither any member of the Election Committee, its counsel Preston A. Leschins, nor the two (2) employees of the American Arbitration Association who were present since 6:00 A.M. when voting commenced saw any of the forty (40) members referred to by Brother Noe. Also, Brother Noe never gave the Committee their names or any statements from any of them. Since there was approximately three (3) hours left to vote, the Election Committee's counsel gave Brother Noe his personal cell number and told Brother Noe to immediately get in touch with the forty (40) members he referred to and to have them call Mr. Leschins in order to expedite the confirmation of their eligibility to vote and issuance of "PIN" numbers, if warranted. Of the forty (40) members referred to by Brother Noe, only three (3) members actually called Mr. Leschins. The eligibility to vote was confirmed for two of the members and PIN numbers were immediately issued. The eligibility to vote of the third individual who called Mr. Leschins could not be confirmed because that individual was not even a member of Local 983 according to District Council 37 and, as such, no "PIN" was issued for that individual.

At approximately 7:00 P.M. Mr. Leschins started to call out that the Local 983 Elections were coming to a close and he asked out loud if there was anyone present who had not yet had an opportunity to vote. Mr. Leschins also left the building and walked up and down the block announcing out loud that the Local 983

Elections were coming to a close and asking out loud if there was anyone who had not yet had an opportunity to vote. Upon returning to the location where the voting had taken place and having not heard from anyone, Mr. Leschins announced that the Local 983 Elections were now over and the polls were closed at approximately 7:10 P.M.

At approximately 7:27 P.M. with several Observers/Candidates still present the Election Committee received an email from the American Arbitration Association with the results of the Election. The email, which had not yet been opened by any party, was forwarded directly to both Jolifier Noe and Joe Puleo, who were asked to communicate the same to each of the candidates they ran with. A copy of this email is annexed hereto and labeled Exhibit "E".

Thereafter Mr. Leschins spoke with Arthur Schwartz on behalf of Brother Noe. Mr. Schwartz stated that he had no complaints insofar as how the election itself was run that day and thanked Mr. Leschins for addressing Brother Noe's concerns regarding the forty (40) members he had referred to earlier in the day. At that point the location where the Local 983 Elections had taken place was closed and everyone left the building.

Appeal of the Local 983 Election

On May 23, 2023 the Local 983 Election Committee received an appeal of the Local 983 Election dated May 22, 2023 from Brother Noe of which a copy is

annexed hereto and labeled Exhibit "F". In response thereto, the Local 983 Election Committee issued a Notice of Hearing on Appeal of the Local 983 Elections on May 26, 2023 of which a copy is annexed hereto and labeled Exhibit "G". The hearing was held on June 2, 2023. A copy of the transcript of that hearing is annexed hereto and labeled Exhibit "H".

Upon due deliberation by the Local 983 Election Committee following the June 2, 2023 Hearing on Appeal of the Local 983 election, the Local 983 Election Committee has decided to deny the appeal on the basis of the following:

1. There is no basis to Brother Noe's protest that the election should have taken place in June 2022. The Local 983 Election Committee held a nomination meeting on April 15, 2022 and scheduled the election (as had been done in the past) for a date in June or approximately two (2) months later. It was **ONLY** because of the litigation commenced on behalf of Brother Noe that a court stayed the scheduled election, which is why it did not take place in June of 2022. Upon receipt of the decision from the Appellate Division and once the stay was no longer in effect, the Local 983 Election Committee acted as expeditiously as possible to engage the services once again of the American Arbitration Association and to schedule the election for May 15, 2023. Any claim that the election was delayed for approximately one year by the Local 983 Election Committee is simply disingenuous when, in fact, it was the litigation commenced on behalf of Brother Jolifier Noe that was responsible for any delay in holding the election.

2. There is also no basis to the claim in the protest that the Local 983 Constitution wasn't followed. While it is true that Article VIII of the Local 983 Constitution requires that the election be conducted in person by a secret written ballot at a local meeting, and that a member "must be present" to vote, Local 983 is subject to the AFSCME Constitution which, in its Election Code, Appendix D(2)(G), clearly provides for remote voting electronically for Locals with more than 2,000 members, so long as alternative voting methods are allowed for members who do not have access to vote electronically. Local 983 has more than 2,000 members and provided alternative voting methods. It still is and was at all times of paramount importance to the Local 983 Election Committee that the health, safety, and wellbeing of the members of Local 983 as well as of their family members who may be immuno-compromised be both protected and maximized. That was as true at the time that the election was originally scheduled in April or May of 2022 when the Covid-19 pandemic was more prevalent as it was in March or April of 2023 when the election was scheduled for May 15, 2023. Even as recently as May 15, 2023 individuals were still contracting and being hospitalized for (let alone dying from) COVID-19. It is for this very reason that voting in all types of elections all across the country still offer remote voting options. Ironically enough and by way of just one example, an American Arbitration Association official who worked on the Local 983 Elections for the American Arbitration Association tested positive for Covid-19 on May 14, 2023 and was unable to be present with the other two American Arbitration Association employees as scheduled at the location where in-person voting was taking place the very next day.

Brother Noe's protest suggests that the Local 983 Constitution requires literal in-person voting to guard against voter fraud. First, that's wrong. It doesn't say that a voter may only vote in person. Second, it raises the entirely unsupported suggestion that there was some impropriety in the actual voting or vote count. There was not, and neither Brother Noe nor any other member presented any evidence to the Committee to suggest anything of the sort. Only eligible members voted, and every vote was counted.

In his protest, at paragraph no. "6", citing to paragraph no. "3" of his protest, Brother Noe asserts that, for remote voting to be permissible, it must first be approved "at a membership meeting, or at least announced prior to nominations." Brother Noe's appeal doesn't specify the basis for this claim, but it appears that he relies on page no. "13" of the AFSCME Local Election manual which he cites to and quotes in paragraph no. "3" of his protest. There, in connection with the preparation of the ballot, the AFSCME Local Election manual, at page no. "13", asks "[i]n what order will names appear on the ballot?" It answers that question by stating that "[s]ome locals list the candidates in alphabetical order [s]ome locals determine the order of names by drawing lots." It then continues, stating that "what is not proper is to change from the method used previously to a new method **after** nominations have taken place. If a change from one method to the other is desirable, the new method should be approved by the membership, (or announced by the election committee) **before** the nominations begin." This language plainly applies to how the ballot is to

be arranged, not to the use of remote voting options. Brother Noe's claim to the contrary is wrong, so the Committee rejects it.

3. Brother Noe's protest argues that the election should be set aside because it allowed slate voting and allowed candidates to run as slates. . At no time has slate voting ever been prohibited by the AFSCME or Local 983 Constitution. Indeed, slate voting had taken place in past elections. Indeed, while Local 983 is not bound by the federal law, the LMRDA, the Committee notes that the LMRDA regulations governing union elections explicitly allow for slate voting. *See*, 29 CFR Section 452.112.

In his protest, at paragraph no. "7", Brother Noe points to the AFSCME Election Manual, page nos. "12" through "14", as support for his claim on this point. However, nothing on those pages says anything about slate voting. Brother Noe's protest there also claims that no AFSCME election can use slate voting, but fails to cite to anything in the AFSCME Constitution - or anything else - to support that claim. In light of this, the Committee rejects Brother Noe's argument that the election should be re-run because slate voting was used.

4. In paragraph nos. "12" and "13" of his protest, Brother Noe complains that he was not allowed to inspect member dues records, and asks that the election be re-run for this reason. We explain below why the Committee rejects this protest.

Brother Noe's attorney sent the Committee a May 26, 2022 letter asking to review the local's dues records. In response, the Committee sent Brother Noe's attorney a May 31, 2022 letter telling him that Brother Noe could inspect the list of members to whom the election notice had been sent, but not allowing him to inspect members' dues records. Brother Noe's protest, at paragraph no. "13", acknowledges that the election committee allowed him to review the list of members to whom the election notice had been sent.

In allowing Brother Noe to inspect the mailing list but not the members' dues records, the Committee was adhering to the standards in the LMRDA regulations. Specifically, 29 CFR Section 452.71 states that each candidate has a right to inspect "a list containing the names and last known addresses of all members of the labor organization who are subject to a collective bargaining agreement requiring membership ... as a condition of employment." While the law does not allow Local 983 to condition employment on being a union member, the Local 983 Election Committee did allow Brother Noe to inspect the list of its members' names and last known addresses - the list that was used to send out the election notices in May 2022. Nothing in the law, or the Local or AFSCME Constitutions, compel a Local to allow a candidate to inspect member dues records, and Brother Noe's protest cites no authority to support his claim that he had a right to inspect dues records. And, while his protest alludes to the possibility that non-members were on that list, it

makes no specific claim that a single non-member was sent the election notice or voted.

5. In paragraph nos. “15” and “16” of his protest, Brother Noe asks that the election be set aside because the election notices did not specify which offices the candidates who appeared on the ballot were running for. The only authority he cites for this is the AFSCME Election manual. However, that manual does not require that the offices be listed: it merely suggests that the offices to be voted on “should” be included. And, nothing in the Local 983 or AFSCME Constitutions require the offices to be voted on to be listed. Beyond that, the ballots voted on by individuals who voted electronically contained the offices for which people were running, and the telephonic voting system specified the offices for which people were running. Thus, voters were informed of the offices for which people were running prior to voting.

6. In paragraph no. “17” of his protest, Brother Noe asserts that, to obtain voting credentials, members called a number and gave their name, so that “[t]here was no method provided for observing the distribution of credentials. Factually, this assertion is incorrect. To obtain credentials to vote, a person had to provide both their name and the last four digits of their social security number. To the extent that Brother Noe argues that he had a right to observe the distribution of credentials, the short answer is (a) he never asked to do that, and (b) he points to no authority for the proposition that a candidate has a right to observe the distribution of

credentials. And, he does not claim that, credentials were provided to anyone who was not entitled to them.

7. In paragraph no. “18” of his protest, Brother Noe asserts that because 78% of the voters “voted from a location other than the polling place[,] [t]his allowed incumbent officers to observe members voting, it allowed incumbents to call members over at work, instruct them how to get a ‘PIN’ number, and then how to vote.” It thus appears that in this part of his protest, Brother Noe complains that some unknown number of unidentified members who exercised their rights to vote remotely may have had their rights to vote by secret ballot denied by some unnamed persons. The committee rejects this protest for two reasons. First, it is entirely deficient of any specifics – it fails to identify who was denied the right to a secret ballot, who denied that right, or how the right was denied. While the right to cast a secret ballot is at the core of the right to vote, and a right granted to members under Appendix D(2)(F) of the AFSCME Constitution (“elections shall be by secret ballot”), Brother Noe’s protest on this point must be rejected because it fails to identify a single member whose right to a secret ballot was denied. Brother Noe’s speculation – and that is all he has – is insufficient to establish a violation.

Brother Noe’s protest on this point is also rejected because, if accepted, it would prove too much. Any time a person does not vote at a polling station, it is impossible to know whether the person in fact voted in secret. If that by itself

constituted a violation of the right to a secret ballot, then every election where voters

could cast a ballot remotely would be overturned. Of course, that is not what happens. Indeed, Appendix D(2)(G) of the AFSCME Constitution allows remote voting.

8. In paragraph no. "18" of his protest, Brother Noe also states that "there was no paper record of any sort which allowed verification of how a member voted." The Committee rejects this protest because (a) Brother Noe points to no requirement that such records be kept, and (b) Brother Noe does not even suggest that, somehow, votes were not properly recorded or counted.

9. In paragraph no. "18" of his protest, Brother Noe also states that there was no "candidate observed test of the voting system to find out if there were any flaws in the system". The Committee rejects this protest because (a) neither Brother Noe nor any candidate asked to so observe the voting system in advance, and Brother Noe's protest identifies no such candidates, and (b) Brother Noe does contend, or present any evidence to support the contention that there were in fact "flaws in the system."

10. In paragraph no. "19(a)" of the protest, Brother Noe complains that, by offering members the option of voting remotely, the election violated the Local 983 Constitution's language providing that "members must be present to vote." We addressed and rejected this protest above, at paragraph no. "2".

11. In paragraph no. "19(b)" of the protest, Brother Noe complains that the Local violated the AFSCME election manual by offering members the option of electronic voting, claiming that it was required to obtain membership approval or announce the change before the nominations meeting. We addressed and rejected this protest above, at paragraph no. "2".

12. In paragraph no. "19(c)" of the protest, Brother Noe complains that, for those who voted via telephone, "there is no way a telephone vote will allow voters to know who is running." As discussed at paragraph no. "5", above, this is both factually inaccurate and, in any event, was not a requirement. Thus, for the reasons discussed in paragraph no. "5" above, the Committee rejects this protest.

13. In paragraph no. "19(d)" of the protest, Brother Noe complains that, "the election notice ... does not state what members are voting for." As discussed at paragraph no. "5" above, the ballot stated the offices the candidates were running for, and, in any event, there was no requirement that the notice contain such information. Thus, for the reasons discussed in paragraph no. "5" above, the Committee rejects this protest.

14. In paragraph no. "19(e)" of the protest, Brother Noe complains that "the election was run in violation of AFSCME Electronic Voting guidelines, because no candidate observed credential packets were [sic] out to voters." As discussed at paragraph no. "4" above, Brother Noe never asked to observe this and identified no

candidate whose request to do so was denied. Thus, for that reasons and the reasons discussed in paragraph no. “4” above, the Committee rejects this protest.

15. In paragraph no. “19(f)” of the protest, Brother Noe complains that “the election was run allowing a slate vote.” As discussed at paragraph no. “3” above, there is no prohibition on slate voting, and, contrary to Brother Noe’s claim, there was no requirement that the membership approve of slate voting or that slate voting be announced prior to the nomination meeting, so, for those reasons, the Committee rejects this protest. And, Brother Noe’s claim that slate voting identifies candidates as incumbents is factually incorrect – the ballot did not do so.

16. In paragraph no. “19(g)” the protest, Brother Noe complains that “my team was not given the opportunity to observe the compilation and mailing of the Election Notices in violation of AFSCME’s Election Manual.” . As discussed at paragraph nos. “4” and “14” above, neither Brother Noe nor any other candidate asked to so observe the mailing of election notices. And, there is no right to observe the mailing of notices, only the mailing of ballots. Thus, for these reasons, and the reasons laid out above at paragraph nos. “4” and “14” above, the Committee rejects this protest.

17. In paragraph no. “19(h)” of his protest, Brother Noe states that “[m]y slate of candidates had no way to observe members voting, verify who voted.”

Factually, this is wrong. Brother Noe, other members of his slate and observers

affiliated with his slate were in attendance at the Local 1707 building on May 15, 2023 and observed the voting (let alone presumably paid for a professional photographer to photograph the members of Local 983 who chose to enter the Local 1707 building for the purpose of voting in person). As to that aspect of paragraph no. “19(h)” of Brother Noe’s protest which complains that Brother Noe’s slate “had no way to ... verify who voted,” the Committee notes that (a) he cites no authority for the proposition that a candidate is entitled to know this information, and (b) he cites no authority for the proposition that somehow, someone not entitled to vote in fact voted. For these reasons and for the reasons laid out in paragraph nos. “4” and “14” above, the Committee rejects the claim asserted in paragraph no. “19(h)” of Brother Noe’s protest

18. In paragraph no. “19(i)” of his protest, Brother Noe asserts that “[m]embers were observed voting and pressured to vote by incumbents running for office.” First, as noted above, Brother Noe produced no evidence that this happened any member was denied the opportunity to cast a secret ballot. Second, he provided no evidence that any incumbent pressured any member to do anything as to the voting. In short, for those reasons, and for the reasons laid out at paragraph no. “7” above, the Committee rejects the protest in paragraph 19(i).

19. Insofar as candidate for Trustee Term 2023 – 2024 Wanda Martinez (NYC DOT) is concerned, as part of its thorough investigation of the appeal filed by Brother Noe, the Local 983 Election Committee ascertained that Sister

Wanda Martinez was neither promoted to a supervisory position nor a member of the Supervisors' local prior to the election as claimed in Brother Noe's protest. Sister Martinez was first "matured" to the position of Highway Repairer on or about May 17, 2023, two (2) days after the election on May 15, 2023. As such, she was still a dues paying member of Local 983 and had no supervisory responsibilities as of the date of the election on May 15, 2023. The Committee understands that (a) her maturation to the position of Highway Repairer was retroactively effective as of March 12, 2023, and (b) she will assume supervisory duties one year after that date, March 12, 2024. For these reasons, the Committee rejects Brother Noe's protest insofar as the election of Sister Wanda Martinez for the position of Trustee Term 2023 – 2024 is concerned.

CONCLUSION

Given the year that was spent litigating at great expense to Local 983 before the Local 983 Election Committee could schedule the Local 983 elections, the Local 983 Election Committee went to great lengths to cooperate with and defer to the American Arbitration Association in administering the Local 983 elections. This included abiding by the procedures of the American Arbitration Association in preparing and sending out the Notice of Election and Voting Instructions to the members of Local 983 who were eligible to vote as determined by the mailing list obtained directly from District Council 37. At NO time did Brother Jolifier Noe, his

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attorney Arthur Z. Schwartz, or any candidate ever request to see the Notice of Election and Voting Instructions before or after the same was prepared by the American Arbitration Association or to be present when the American Arbitration Association sent out the Notice of Election and Voting Instructions to the members of Local 983 who were listed on the mailing list provided to the American Arbitration Association directly by District Council 37. Moreover, the members of Local 983 were notified of the fact that the Notice of Election and Voting Instructions were either going to be sent out and/or were already sent out on April 27, 2023 by way of the Local 983 Election Committee's reports both at meetings and as contained in Local 983's newsletter which is published on the Local 983 website to which every member of Local 983 has access.

It should be pointed out here that in their appeal of the Local 983 elections neither Brother Jolifier Noe nor his attorney Arthur Z. Schwartz have made any specific allegation involving fraud of any nature whatsoever. Not even one single allegation of anyone voting when ineligible to do so or of any member of Local 983 voting more than once. Moreover, even if there was any truth to any of the technical violations that have been alleged in general (without any specificity whatsoever) by Brother Jolifier Noe or his attorney Arthur Z. Schwartz, such technical violations would not have had any impact upon the Local 983 Elections in which the successful candidates won by a margin of 3:1. With respect to the foregoing, the Local 983 Election Committee considered in particular page "24" of the AFSCME Local Election Manual which addresses alleged election violations of a technical nature

which don't have an impact upon the outcome of an election and which describes exactly the circumstances involving this protest by Brother Jolifier Noe of the Local 983 elections which were held on May 15, 2023. As such, there is no basis upon which to overturn the results of the Local 983 elections even if the technical violations alleged by Brother Jolifier Noe and his attorney Arthur Z. Schwartz were true (which the Local 983 Election Committee has thoroughly investigated and found not to be the case).

Based upon the foregoing, the Local 983 Election Committee respectfully submits this report to the members of Local 983 and calls for a motion to accept this report and to swear in the successful candidates of the Local 983 election.

In solidarity,



JOE ORO

Local 983 Election Committee Chair

Raymond Puello

Arias Galvanes,

Local 983 Election Committee Members