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Rebuttal to the Local 696 Election Committee Findings

On 31 July 2023, the AFSCME Local 696 Election Committee received from Evelyn Flint seven protests against the conduct of the July Local 696 election. AFSCME International received these same protests on 3 August 2023.

On 8 August 2023, the Election Committee for AFSCME Local 696 held a closed meeting with J. Matthew Catron and Evelyn Flint to review and clarify all seven protests.

On 17 August 2023, the Election Committee for AFSCME Local 696 held a general membership meeting where the seven protests were partially presented, and the Election Committee's findings were presented and ratified by a vote that was held without allowing debate.

During this presentation, Election Committee Advisor Bobby Davis added significant commentary that was not present in the report submitted by the Election Committee.

The protestants found the findings of the Election Committee unsatisfactory, and are now appealing the results to AFSCME International.

The following pages represent our arguments.

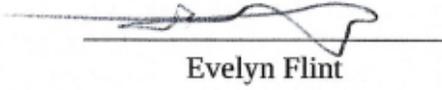
In solidarity



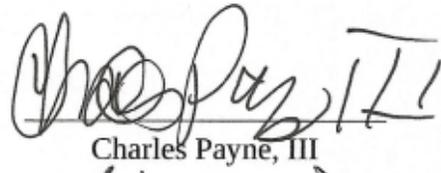
Sharon Thorpe



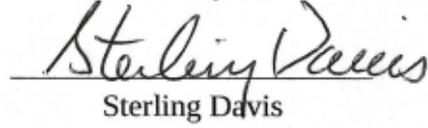
J. Matthew Catron



Evelyn Flint



Charles Payne, III



Sterling Davis

Protest 1: Montgomery Auditorium

The election committee claims that Free Library of Philadelphia HR representative Donyale Henderson claims an error was made in the listing published by Tony Leung (see original protest document).

However, in our 8 August 2023 meeting with Bobby Davis, Darlene Booker-Jones, and Ethel Funches, Bobby Davis asked who made that reservation, and was explicitly told that Christina Patton of the Free Library's CPSD Department was the one who made the reservation, and that Tony Leung of the Free Library's Heim Center Department was the one who shares the daily schedule with library staff. Brother Davis also asked for confirmation that Mary Kachline had sent an email to just a select group of Local 696 members, but not the whole membership, advertising this reservation as an SBU meeting. At no point in that 8 August meeting did Donyale Handerson's name come up at all.

It is the responsibility of the Election Committee, according to their own decision regarding this very protest, to reach out "to have the complaint verified," and yet, per their own written decision, the Election Committee failed to reach out to either Christina Patton or Mary Kachline regarding this misleading booking. Since the original protest already alleged that listing the room for an HR purpose instead of a Union purpose was an error, the Election Committee not only failed to properly investigate this protest, but even in their own paltry effort to "have the complaint verified" they still came to the same conclusion about this error as the initial protest did.

The protestants agree with the Election Committee that "an error was made by listing the room for HR Meeting instead of Union Purpose." However, we assert that this was not an error made by HR, but rather in the name of HR, and that a proper investigation of this protest should include conversations with both Christina Patton and Mary Kachline, at least in addition to, if not instead of, a conversation with Donyale Henderson.

It is also the responsibility of whoever reserved the meeting to ensure its proper publication. If indeed this was an error on the part of Henderson, Patton, or Leung, then Tony Dinkins, Mark Weaver, or someone else on the SBU slate, especially Mary Kachline as the author of the email advertising the meeting, had the responsibility to correct it, and failed to do so.

Protest 2: Bobby Davis

The Election Committee claims that Mr. Davis' involvement with the election committee is ongoing from the March 2023 election. Local 696 was ordered to re-run the election in Judicial Panel case JP 23-024. They made no specifications that the Election Committee must remain the same. In fact, the list of Election Committee members for the first election as sent out by Local 696 on 3 January 2023 is demonstrably different from the list they sent out on 26 June 2023. As such, Local 696 President Tony Dinkins is responsible for appointing an unqualified person to the office of Advisor to the Election Committee.

President Dinkins is also responsible for allowing a retired member to keep paying dues to, and keep running meetings for, the wrong local, since Brother Davis should be a member of an AFSCME Retiree Local now, and not a member of Local 696 anymore.

The Election Committee also failed to ever address the portion of the protest about Brother Davis' notable conflict of interest between his duties as an appointed member of the Local 696 Election Committee, and his paid position as an advisor to District Council 33 President Ernest Garrett. The protestants allege that President Dinkins appointment of Brother Davis to the July Election Committee is yet another misuse of union resources by an incumbent officer who is also running on the SBU slate.

Furthermore, the Election Committee claims that this was an eligibility challenge, not a protest. An eligibility challenge refers to challenging the qualification of an individual to run for AFSCME office. Election Committees are appointed, not elected, and as such Protest 2 is not, nor has ever been, an eligibility challenge.

Protest 3: Website and FB Page

On 17 August 2023, the Election Committee claimed that they “want to make sure everything they sent us is shown to you tonight,” but they only presented select portions of the protests, including just the opening paragraph and first lines of each following paragraph from this two page long original protest, to the membership before asking them to vote without debate.

They claim that www.sbu696.com (hereafter referred to as “The Website”) was being used for campaign purposes and promises only, but they also posted official business for Local 696 on The Website, not just information about the SBU campaign and candidates. A section of The Website named “ABOUT THE OFFICERS,” instead of “About the Candidates,” was up on The Website throughout July 2023 during the re-run election. Another section of The Website named “Steward-Delegates” contained official contact information for the officers, including the same official email addresses that President Anthony Dinkins, Treasurer Fatina El, and Executive Board Member Mary Kachline have all been using for years to conduct official Local 696 business in their positions as officers of Local 696. Yet another section of The Website named “GENERAL MEMBERSHIP MEETINGS” contains what SBU claims was just a campaign promise to share information about General Membership Meetings in the future. However this campaign promise was immediately followed up with “ALL MEMBERS ARE ENTITLED TO VIEW OUR FINANCIAL REPORTS UPON REQUEST. YOU MAY MAKE AN APPOINTMENT WITH OUR OFFICE TO COME IN AND VIEW THE FINANCIAL REPORTS OF LOCAL 696 ONCE AN APPOINTMENT IS MADE,” which, when worded this way, is an official statement that can only be acted upon by an incumbent officer, not simply a campaign promise by a candidate. Perhaps most importantly, the home page of The Website itself was named simply “LOCAL 696” instead of something with “SBU” in the name like it should have been if this was actually just a campaign website. And, during the July 2023 re-run election, Anthony Dinkins’ campaign video was prominently featured directly below a “LOCAL 696” header on that very same “LOCAL 696” homepage.

They claim that www.facebook.com/profile.php?id=100090289405280 (hereafter referred to as “The Facebook Page”), which was created as a “Labor Union” page before the March election started, and had official Local 696 contact information listed alongside an SBU campaign flier, was being used for campaign purposes only. But they admitted out loud at the 17 August 2023 meeting that they switched The Facebook Page back and forth between SBU election campaigning and official Local 696 business, simply because it was easier, on the advice of an unnamed Facebook Professional. The lack of distinction between campaign and official material was evident on The Facebook Page from its inception, compounded when The Facebook Page photos were changed from SBU campaign material to Local 696 and District Council 33 logos immediately after the March election, and continued in the form of campaign related posts on a supposedly official page all throughout the July re-run election.

They claim that <https://youtu.be/COOr2h1L5Lxs> (hereafter referred to as The YouTube Video) was made using personal resources only, but that video was filmed in a District Council

33 conference room, and was posted to The Facebook Page alongside an official Local 696 logo, all while President Dinkins was wearing a “Vote SBU” lapel pin. On 17 August 2023, Bobby Davis stated that “walking around town [Tony] can wear whatever button he wants,” but President Dinkins clearly wasn’t just walking around town in this video.

They claim that this protest is out of date and only relates to the first election, but updates were clearly being made to both The Facebook Page and The Website throughout the re-run election, including posting The YouTube Video featuring President Dinkins campaign pitch to both The Website and The Facebook Page on 9 July 2023.

They claim that anonymous posts to The Philly Municipal Workers Group can’t be verified, but it appears that they failed to either verify or deny the multiple posts there that were not anonymous. Specifically, they failed to investigate a post by Michelle Robinson, made just hours after the results of the first election were ratified on 20 April 2023, at a membership meeting where debate was explicitly disallowed before voting on the motion to accept the election results no less, that publicly stated that “This is the page for local 696 for those who had trouble finding it” with a link to The Website. They also failed to investigate a 9 July 2023 post, again by Sister Robinson, which said “For news, information and updates regarding local 696 please feel free to check our official Facebook page,” all while The Facebook Page was still named “SBU.”

They claim that posts to The Philly Municipal Workers Group can’t even be seen by Local 696 officers (aka “real union people” according to Bobby Davis), even though Executive Board Member Mary Kachline has been a member since April 2020, and Vice President Nathaniel Brown had been actively commenting on campaign related posts to The Philly Municipal Workers Group during the re-run election. More importantly, Election Committee Secretary Ethel Funches has also been a member of The Philly Municipal Workers Group since April 2020, which means that at least one member of the Election Committee and two Local 696 officers could have accessed Michelle Robinson’s posts in The Philly Municipal Workers Group for the protest investigation had the Election Committee just asked.

They claim that much of the evidence regarding The Website, The Facebook Page, and The YouTube Video cannot be verified because it is no longer available, but despite SBU taking all three of those links offline as soon as these seven original protests were filed, time and date stamped screen shots of both The Website and The Facebook Page were already collected, and a record of The YouTube video was also taken before SBU could hide this evidence. Archives of The Website can also be found at archive.org, showing that The Website was named “LOCAL 696 CANDIDATES” in March 2023, but simply named “LOCAL 696” in July 2023.

They claim that any protest concerning The Website is moot because the URL for the Rabble Rouser website also contained the number 696, but this protest was about the content of The Website where SBU was conducting official Local 696 business as Local 696 officers on their campaign website, not about the URL itself.

Protest 4: Union Cards

Numerous members came forward during the course of the July 2023 Local 696 Election who claim to have met with representatives of Local 696 on 20 June 2023 and 28 June 2023. Several of them were listed in the original protest.

While it is indeed possible that there was an error, and the 20 June orientees did not meet with Local 696 representatives, the Election Committee claimed in the 17 August 2023 meeting that those members did meet with Local 696 officers on 28 June 2023- two days before the 30 June deadline. However, if the Election Committee was able to reach out to Donyale Henderson at the Free Library's HR department in an attempt to gain clarity regarding Protest #1, they also should have asked Donyale Henderson to clarify whether or not a Local 696 Representative was present at HR Orientation on either 20 June or 28 June 2023, but it appears that the Election Committee failed to do so.

Those members did not receive ballots, nor did they receive health, vision, or dental benefits from AFSCME due to the filing delay.

Protest 5: Endorsements

As an account manager for Main Line Health, Bernadette Banta constitutes a Union resource. She was solicited by Mr. Dinkins for this endorsement due to the working relationship AFSCME Local 696 has with Main Line Health.

Her precise knowledge demonstrated in her letter (see original protest), including their 4-year working relationship and her knowledge of the Local 696 election, shows that Main Line Health is a resource utilized by Local 696, making this endorsement inappropriate.

Protest 6: Mailing List

Candidate Sharon Thorpe spoke with Rachel Strassheim, and asked her if she had received the membership list from the AFSCME District Council 33 Secretary-Treasurer Frank Halbherr. Rachel Strassheim said, “no,” and claimed to already have the list from a previous mailing- presumably of the postcards for the rerun of the election. Please note the election rule,

“Only members who have signed pledge card on file with District Council #33 by June 30, 2023 may vote.”

Therefore, Strassheim printing could only have been using a list compiled before June 30, 2023- a violation of this rule.

Ms. Thorpe was asked by the receptionist at the desk of Strassheim if she wanted to use the credit card that was on file at Strassheim Graphic Design & Press- a credit card owned by AFSCME Local 696, with whom Strassheim has a long-running relationship.

In the first run of the 2023 Local 696 election, Secretary-Treasurer Frank Halbherr denied having ever authorized the disclosure of the mailing list to Strassheim Graphic Design & Press. We did not contact him for this rerun of the election, though we believe the evidence here shows that he did not authorize it for this election, either.

Protest 7: Fatina El

The Election Committee claims that Fatina El's deliberate misrepresentation of Mr. Catron's public online presence and character is covered by the AFSCME Bill of Rights.

AFSCME Judicial Panel Judgment 21-10, dated June 25, 2021, states:

Union members absolutely have a first amendment right to speak their mind, just as they have freedom of speech in the affairs of their union, as guaranteed by AFSCME's Bill of Rights for Union Members. . . . Elected and appointed union representatives are held to a higher standard than regular members. Election and appointed union representatives are free to say or do what they want. However, if those statements or actions conflict with the constitution, policies, or legally authorized decisions of the union, they can be held accountable under the union constitution or other legally authorized actions of the governing body of the union.

The Election Committee claims that Mr. Catron's posts- one, a clear denouncement of fascism and nazism, the other a simple photo with nothing to do with a ku klux klan hood- is "troubling, hurtful and offensive".

In the meeting, Mr. Davis showed the evidence on a blurry projector screen, where the text was illegible. Several members complained in the meeting about being unable to see clearly. The text of the relevant post (see original protest) was unreadable, though the photo of the DVD cataloged by the Free Library of Philadelphia depicting the nazi propaganda film "Triumph of the Will" was large enough to be presented clearly.

In so doing, Mr. Davis has joined Ms. El in deliberately misrepresenting Mr. Catron's character. All the information and context was presented to Mr. Davis in the original documentation, and he deliberately ignored it for the purpose of defamation in front of the membership of Local 696.

The Election Committee also cites due process- the option for Mr. Catron to file charges against Fatina El for her brazen accusations. This is an election protest because it pertains to the conduct of the July 2023 Local 696 election. It is not a charge against Fatina El. That will come separately.