

July 5, 2024

Via E-Mail and First Class Mail

Carla Insinga, Chairperson
AFSCME Judicial Panel
1625 L Street, N.W.
Washington, DC 20036

Re: Judicial Panel Charges Against Greg Boulware, Antione Little, and Joan Gallagher, Chair Officers of AFSCME District Council 33, Pursuant to Article X of the International Constitution of The American Federation of State, County and Municipal Employees, AFL-CIO

Dear Chairperson Insinga:

We write to initiate formal charges against Greg Boulware, Antione Little, and Joan Gallagher, who currently serve as Chair Officers of AFSCME District Council 33 (“DC 33 Chair Officers”)—the exclusive representative for collective bargaining purposes for certain City of Philadelphia and City of Easton employees.

Because we, as members of the District Council’s Executive Board as well as Local Officers, were directly involved in investigating and filing these charges, we are requesting that the Judicial Panel take original jurisdiction of this case.

Despite the clear notice that AFSCME International provided via its Judicial Panel decision in Case Number 23-053 regarding the responsibilities and obligations of District Council 33 Chair Officers and Executive Board members, DC 33’s current Chair Officers have repeated the conduct of Ernest Garrett, who was removed from office. Since their election, these Chair Officers have engaged in financial malpractice and corruption, as well as conducted the affairs of the District Council in

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such a manner as to deprive members of the District Council the rights guaranteed in the Bill of Rights for Union Members contained in this Constitution. In their short time in office, they have violated their Oaths of Office and have done so without any regard for or compliance with the AFSCME Financial Standards Code. Therefore, we, the undersigned individuals, charge AFSCME DC 33 President Greg Boulware, Vice President Antione Little, and Secretary-Treasurer Joan Gallagher with violations of the District Council and International Constitutions. These charges are as follows:

During their brief term as Chair Officers of AFSCME District Council 33, the DC 33 Chair Officers have made personnel decisions without the approval of the AFSCME District Council 33 Executive Board. As a result members of the Executive Board have been denied the opportunity to approve the hiring and salaries of several individuals who now work for District Council 33. They also have improperly terminated employees, including several who have spent decades working for District Council 33. These actions are violations of Article IX, Section 5(i) (“Expenditures of funds of the Council shall be authorized or approved by the Executive Board, subject to the approval of the delegates”) and Article IX, Section 5(k) (“The Council Executive Board shall establish annual salaries and expenses for...all full time staff employees of the Council...”) of the District Council 33 Constitution. Through these actions, the DC 33 Chair Officers have violated their “Obligation of Officer Oath” set forth in Appendix B of the

AFSCME Constitution and therefore are subject to charges under Article X, Section 2(A) (“Violation of any provision of this Constitution or of any officially adopted and approved constitution of a subordinate body to which the member being accused is subject”), and Article X Section 2(B) (“Misappropriation, embezzlement, or improper or illegal use of union funds”) of the AFSCME International Constitution. They have also blatantly ignored Appendix F of the AFSCME Financial Standards Code. These charges are specifically as follows:

Charge 1: Upon being elected on June 11, 2024, President Boulware made the unilateral decision to hire Ernest Garrett as his Chief of Staff. In Case Number 23-053, Judicial Panel Member Frank Piccioli, in a February 20, 2024 decision, removed Brother Garrett from office as President of District Council 33, and suspended him from the right to hold any elected position for a period of four years. The full Judicial Panel unanimously sustained Member Piccioli’s decision on May 10, 2024. Nonetheless, President Boulware immediately hired Ernest Garrett as his Chief of Staff after he was elected. He hired Garrett without any consultation with the Executive Board, so the Board was not made aware of what Brother Garrett’s job responsibilities would entail or what his salary would be. Notably, the Executive Board never voted to approve his hiring or his salary, and did not know he was hired until he appeared at the Chair Officers’ first Executive Board meeting. This unilateral hiring and salary decision

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violates Article X, Sections 2(A) and 2(B) of the International Constitution, and Article IX, Sections 5(i) and 5(k) of the District Council 33 Constitution. It also represents a continued pattern of non-compliance with the AFSCME Financial Standards Code.

Furthermore, President Boulware's decision to immediately hire Ernest Garrett is in direct conflict with the Judicial Panel's decision in Case Number 23-053. As previously discussed, Ernest Garrett was removed from office and suspended from the right to hold any election position at any level of the union for a period of four years, under Article X, Section 15 (D) and Section (F) of the International Constitution. This Section of the Constitution is clear: "Any individual who has been suspended, expelled or removed as provided in paragraphs E, F, G, H, I, or J, above, may not, during the period of such penalty, be employed in any capacity by the International Union or any subordinate body." President Boulware's unilateral hiring of Ernest Garrett as a District Council 33 staff member is a clear and blatant violation of the International Constitution, and shows a complete and utter lack of knowledge of the Council's constitution, the International Constitution and any deference and respect for AFSCME's International's rulings.

Even more, President Boulware has permitted Brother Garrett to effectively act as the President. For example, on July 17, 2024, Brother Garrett approached then-Human Resources Director Carol Champagnie and demanded access to all of District Council 33's personnel files. After insisting that, at the very least, the

files be transported in a manner that would preserve the privacy and confidentiality of the District Council and its personnel, Brother Garrett told Ms. Champagne that he would talk to the President about her termination, and said, “now you are going to get a [termination] letter.”

Charge 2: Upon being elected on June 11, 2024, the DC 33 Chair Officers made the unilateral decision to hire Brother Leonard Brown as Ernest Garrett’s Assistant. The Executive Board was not consulted and not made aware of what Brother Brown’s job responsibilities would be, or what his salary would be. Notably, the Executive Board never voted to approve his hiring or his salary. As the Judicial Panel held in Case Number 23-053, “[i]t is clear that Article IX, Section 5k requires Executive Board approval when an employee’s salary is to be altered, or a new position is created or positions are combined.” That is the case here, where there was no Assistant to the Chief of Staff prior to President Boulware’s Administration. This unilateral hiring and salary decision violates Article X, Sections 2(A) and 2(B) of the International Constitution, and Article IX, Sections 5(i) and 5(k) of the District Council 33 Constitution. It also represents a continued pattern of non-adherence to the AFSCME Financial Standards Code.

Charge 3: Upon being elected on June 11, 2024, President Boulware made the

unilateral decision to hire Bret Coles to manage public communications, Dwayne Fair to manage maintenance, and Evon Sutton to manage political relations for District Council 33. In Case Number 23-053, the Judicial Panel found Ernest Garrett guilty of violating Article X, Section 2(B) of the International Constitution because his hiring and salary decisions were “unauthorized and therefore an improper use of union funds.” That finding was based off of then-President Garrett’s hiring of Mr. Coles and Mr. Fair. Similarly, the Executive Board was not consulted and not made aware of what either Mr. Fair or Mr. Coles’ job responsibilities would be (although a June 11, 2024 *Philadelphia Inquirer* story, published after President Boulware was elected and sworn in, refers to Mr. Coles as President Boulware’s “spokesperson.”). Evon Sutton, who served as AFSCME District Council 33 Political Director under Ernest Garrett, was also rehired without Executive Board consultation or approval, and although her position is unknown to the District Council 33 Executive Board, she has identified herself as a political liaison for District Council 33 to government and elected officials.

Furthermore, in addition to his role with District Council 33, Bret Coles continues to work full-time for the City of Philadelphia as a Police Communication Dispatcher. As Judicial Panel member Frank Piccioli wrote in his decision in Case Number 23-053, “it is not proper for a staff member of an AFSCME affiliate to also be working a full-time position for an employer.”

In all, these unilateral hiring and salary decisions violate Article X,

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Sections 2(A) and 2(B) of the International Constitution, and Article IX, Sections 5(i) and 5(k) of the District Council 33 Constitution. They also represent a continued pattern of non-adherence to the AFSCME Financial Standards Code, and President Boulware's pattern of doing exactly what his predecessor did, and how he did it.

Charge 4: Upon being elected on June 11, 2024, the Chair Officers made the unilateral decision to hire Spear Wilderman, PC "as counsel to the Union, Legal and Health and Welfare Funds, and JFK Medical Center." The Executive Board became aware of this decision when it noticed that Samuel Spear was in attendance at a June 13, 2024 meeting of the District Council Executive Board meeting, and the decision to retain his firm was only announced at the insistence of members of the Executive Board, who questioned why Mr. Spear was in attendance and what his role was. The scope of Spear Wilderman's representation was never presented to, or discussed by, the Executive Board. The decision also significantly departs from the decision of President Boulware's predecessor, who held a vote of the District Council 33 Executive Board to approve the firing of Spear Wilderman and the hiring of a different law firm to serve as counsel to the Union, and a vote of the District Council 33 Health & Welfare Fund Board of Trustees on the hiring of that law firm to serve as counsel to the Health & Welfare Fund. The unilateral decision to hire Mr. Spear's law firm violates Article X, Sections 2(A) and 2(B) of the International Constitution, and Article IX, Section 5(i) of the District

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Council 33 Constitution. Again, it also represents a continued pattern of non-compliance with the AFSCME Financial Standards Code.

Furthermore, as President Boulware's June 11, 2024 correspondence terminating the District Council's retainer with its prior law firm indicated, Spear Wilderman, PC now serves as counsel to the Legal Services Fund. This action violates the Legal Services Fund Declaration of Trust, which requires a meeting and vote of the Legal Services Fund Board of Trustees, pursuant to the Declaration of Trust of the District Council 33 Legal Services Fund. It therefore violates President Boulware's Obligation of an Officer Oath, Appendix B of the International Constitution.

Charge 5: Upon being elected, the DC 33 Chair Officers have made the unilateral decision to terminate employees who have served the Union for decades. Specifically, the DC 33 Chair Officers terminated Edith Hughes, who worked for DC 33 for 27 years and served as former President Omar Salaam's Executive Assistant; Brenda McCoy, who worked for DC 33 for over 50 years and who handled Managed Care and Billing for the JFK Medical Center; and Carol Champagnie, who worked for DC 33 for 15 years and served as the prior Director of Human Resources. These terminations were acts of political retaliation. They also are clear, unilateral departures from the will of the Executive Board. On February 28, 2024, the DC33 Executive Board voted to bring these and other longtime staff members "into the same progression in conjunction with

the City of Philadelphia regarding wages, pension, and longevity” in recognition of their dedication to the Union and their need for financial and retirement security. Therefore, these unilateral terminations are clear acts of non-adherence to the AFSCME Financial Standards Code, and they are also violations of the Chair Officers’ Obligation of an Officer Oath, Appendix B of the International Constitution.

Charge 6: On May 14, 2023, in the midst of the DC 33 Chair Officers election ballot count, Greg Boulware, Antione Little, and Ernest Garrett directed the then head of maintenance Dwayne Fair to open storage and other facilities within DC 33 headquarters and distribute DC 33 merchandise in anticipation of an election victory. No inventory was taken as this merchandise was distributed. This action clearly does not adhere to the AFSCME Financial Standards Code, and the indiscriminate distribution of union merchandise for political celebration violates the Obligation of an Officer Oath, Appendix B of the International Constitution.

Based on the above, the DC 33 Chair Officers (Greg Boulware, Antione Little, and Joan Gallagher) are charged with violating Article IX, Sections 5(i) and 5(k) of the District Council 33 Constitution, and Article X, Sections 2(A) and (B) of the International Constitution. Pursuant to Article X of the International Constitution, we request that a trial body be convened to consider the charges.

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Pursuant to Article X, Section 15 of the International Constitution, we request that a trial officer be appointed to consider remedies for these blatant constitutional violations, including, but not limited to, whether AFSCME District Council 33 shall be placed in an immediate Administratorship, and whether the DC 33 Chair Officers should be permanently suspended from holding or seeking any elected position at any level of the Union in light of their willful disregard of the AFSCME Constitution, its governing documents, and the directives of its Judicial Panel.