

DECISION OF THE ELECTION BOARD

ON OBJECTIONS TO THE CONDUCT OF THE RERUN ELECTION AT WESTERN STATE HOSPITAL

Summary of Decision

This is the decision of the Election Board resolving objections to the conduct of the rerun election at Western State Hospital (WSH). The Election Board dismisses the objections and certifies the results of the rerun election as final according to the tally of ballots conducted on August 8, 2014.

Discussion and Decision

A rerun election was conducted by mail ballot at WSH in July and August 2014. Ballots were mailed on or about July 18, 2014. Returned ballots were due to be received no later than August 8, 2014 at 3:00 p.m. Ballots were tallied and the results of the election announced on August 8, 2014. On August 10, 2014, the Union received an objection to the conduct of the WSH rerun election submitted by members Paul Vilja and Willie Saw. There are six grounds stated for the objection.

Objection #1 alleges that the Union violated Article VII, Section 1(a) by not electing members in good standing to an Election Board at the District Delegate Assembly and not designating two members to act as chairperson and secretary; and Article VII, Section 1(b) by designating Henry Brudney as the chairperson of the Election Board. The objection alleges that Brudney was not a member of the District and therefore not eligible to serve on the Election Board.

The Election Board dismisses objection #1 as untimely and without merit. The Election Board was constituted nearly a year ago and has conducted and supervised the nomination and election of officers. The objection does not state any reason why the objection could not have been submitted months ago. Consequently, the objection is untimely. The objection is also substantively without merit. The members of the Election Board were approved by the Union's Executive Board. The Bylaws vest the Executive Board with "supreme executive and judicial powers of the District in all matters vital to the membership," and with the authority to interpret the Bylaws. Since the Election Board was approved by the Executive Board, the Election Board was properly authorized to conduct and supervise the WSH rerun election. At all material times, Henry Brudney was a member in good standing of the Union and eligible to serve on the Election Board. For all these reasons, the Election Board dismisses objection #1 as untimely and without merit.

Objection #2 alleges that the Union violated Article VI, VII, and VIII by designating legal counsel to assist the Election Board and the District Hearing and Appeals Board (DHAB). The objection also alleges that a member of the DHAB served on the DSHS negotiating team "thus creating bias."

The Election Board dismisses objection #2 as untimely and without merit. The Bylaws do not prohibit providing legal counsel to assist the Election Board and the District Hearing and Appeals Board. The decision of the Election Board on the objection to the WSH election was made by the members of the

Election Board, not legal counsel. Similarly, the decision of the DHAB on the appeal of the Election Board's decision was made by the members of the DHAB, not legal counsel. The member of the DHAB who is a member of the DSHS bargaining unit is not employed at WSH and is not a member of the WSH subchapter and therefore was not directly or indirectly involved in the subject matter of the DHAB hearing which was the WSH election. No specific facts were alleged which would constitute bias. Consequently, there was no violation of the Bylaws by the participation of this member on the DHAB. Moreover, the objection to the participation of this member is untimely as it was not made at the time of the DHAB hearing. Finally, this allegation does not state an objection to the conduct of the rerun election at WSH.

Objection #3 alleges that the Union violated Article VII and VIII by designating counsel to respond to the appellants request for information and request for a stay of the decision of the Election Board while the appeal to the DHAB was pending.

The Election Board dismisses objection #3 as without merit. First, this objection does not state an objection to the conduct of the rerun election at WSH. Second, there is no bylaw which precludes designating counsel to respond to a request for information under the circumstances present here. Third, the Bylaws do not provide for a stay of the decision of the Election Board pending an appeal to the DHAB.

Objection #4 alleges that the Union violated Article VIII by constituting a DHAB to hear the appeal of the Election Board decision.

The Election Board dismisses objection #4 as without merit. The DHAB was constituted and approved by the Union's Executive Board. The Bylaws vest the Executive Board with "supreme executive and judicial powers of the District in all matters vital to the membership," and with the authority to interpret the Bylaws. The Executive Board approved the election of the DHAB. This was pending the next meeting of the District Delegate Assembly (DDA). It was reasonable for the Executive Board to constitute the DHAB since the DHAB had not previously been constituted by the DDA and the DDA was not scheduled to meet prior to when the appeal needed to be heard. The Executive Board acted within the scope of its powers under the Bylaws. Under these circumstances, the DHAB was properly constituted to hear the appeal of the Election Board decision. Moreover, this objection does not state an objection to the conduct of the rerun election at WSH.

Objection #5 alleges that the Union violated the Bylaws by conducting a rerun election for the positions of WSH Chair, Vice-Chair and Recording Secretary.

The Election Board dismisses objection #5 as untimely and without merit. The decision to conduct a rerun election for the WSH chapter positions of Chair, Vice-Chair, and Recording Secretary was made by the Election Board in its decision dated May 19, 2014. The objection submitted on August 10 is not timely as to this issue. Moreover, the decision to conduct an election as to these positions was made for the reasons stated in the May 19 Election Board decision.

Objection #6 alleges that the decision of the DHAB is invalid.

The Election Board dismisses objection #6 as without merit. This is a reiteration of other objections. As discussed above the DHAB was properly constituted and its decision was properly rendered.

For all the foregoing reasons the Election Board dismisses the objections submitted by members Vilja and Saw on August 10, 2014.

Final Certification of the Results of the WSH Rerun Election

The Election Board, having dismissed the objections to the conduct of the WSH rerun election, certifies the results of the WSH rerun election as final.

The certified results are as follows:

DSHS – WSH Officers:

WSH Executive Board, vacant

WSH Chair, Dawn McCracken

WSH Vice Chair, vacant

Corresponding Secretary, Erika Springer

THE ELECTION BOARD

<u> /s/ </u>	<u> 9/30/14 </u>
Penny Lowry, Chair	Date

<u> /s/ </u>	<u> 10/2/14 </u>
Christie Williams, Member	Date

<u> /s/ </u>	<u> 10/1/14 </u>
Trish Karn, Member	Date

<u> /s/ </u>	<u> 9/30/14 </u>
Murph Gagnon, Member	Date

<u> /s/ </u>	<u> 9/30/14 </u>
Laura Veliz, Member	Date