



Utility Workers Union of America, AFL-CIO

Re: TRUSTEESHIP OF UWUA LOCAL 132

**Decision of National Executive
Board Subcommittee**

August 24, 2022

I. INTRODUCTION

UWUA Local 132 is a local union chartered by the Utility Workers Union of America, AFL-CIO, pursuant to its Constitution. Article IV, Section 6-B(1) of the UWUA Constitution provides that whenever the National President has reason to believe that trusteeship action is required, after consultation with the National Union's Executive Committee, the National President may appoint a trustee to take charge and control over the affairs of a Local Union in accordance with the provisions of the Labor-Management Reporting and Disclosure Act ("LMRDA"). Article IV, Section 6-B(1) sets forth a number of purposes for appointing a trustee.

Article IV, Section 6-B(6) provides that the imposition of a trusteeship must be previously authorized or subsequently ratified after a fair hearing before a Subcommittee of the National Executive Board selected by the National Executive Committee. The hearing must be held in the geographic jurisdiction of the local union and if the hearing is not conducted prior to the imposition of the trusteeship, it shall be held no later than 30 days after the imposition of the trusteeship.

Here, on July 12, 2022, National President James Slevin, after consultation with the National Union's Executive Committee, imposed an emergency trusteeship on UWUA Local 132 and appointed Trustee Patrick Dillon to take charge and control the affairs of UWUA Local 132. President Slevin asserted that the basis of the trusteeship was the UWUA Executive Committee's Decision and Order invalidating the results of the March 2022 Local 132 officers' election and removal of the President, Secretary-Treasurer, Business Agent, and Regional Officers from office thereby leaving the Local without officers other than three trustees. The purpose of the Trusteeship is to restore democratic procedures and to carry out the legitimate objectives of the National Union.

On July 12, 2022, President Slevin issued a Notice of Emergency Trusteeship addressed to all UWUA Local 132 officers. The Notice set forth the purposes of the Trusteeship.

The Executive Committee of the UWUA selected UWUA National Executive Board members Travis Beck, Juanita Ray, and John Arnett to serve as the Subcommittee to conduct a hearing on the trusteeship.

On July 15, 2022, a Notice of Hearing on the trusteeship of UWUA Local 132 was mailed to its members. The hearing was scheduled for July 31, 2022, in Pomona, California which is in the geographic area of UWUA Local 132.

On July 31, 2022, beginning at 4:00 p.m., a hearing was held at the Double Tree Pomona. The proceeding was recorded and all members of UWUA Local 132 that attended the hearing were allowed to participate.

Pursuant to Article IV, Section 6-B(6), the Subcommittee is to issue a decision 14 days after the conclusion of the hearing, but time limits may be extended for good cause for a reasonable period by the National President. Here, the Subcommittee requested a two week extension in which to issue its decision because of the delay in receiving the transcript and the schedules of the Subcommittee members. President Slevin granted the request.

II. FACTS

UWUA Local 132 is a local union based in Glendora, California with about 3000 members that work for Southern California Gas. The geographic area of the Local is much of Southern California. The Local has 3 full-time officers and eleven Regional Officers, along with three Trustees. The UWUA is a National Union representing approximately 45,000 utility workers across the United States. One of its biggest local unions is UWUA Local 132.

In March 2022, UWUA Local 132 conducted an election of officers. Shortly thereafter, a number of challenges to the election were filed by members of UWUA Local 132. The UWUA Local 132 Election Committee held a hearing on the challenges on May 2 and 3, 2022. The

Election Committee issued a report sustaining the challenges. The UWUA Local 132 Executive Board issued a decision finding that the challenges would not have affected the outcome of the election and certifying the election results.

The challengers filed appeals with the UWUA National Union. On July 12, 2022, pursuant to Article XIV, Section 8-C and 9-C of the UWUA Constitution, the UWUA Executive Committee issued a decision on the appeals and found that some of the challenges had merit that could have affected the outcome of the election. As a result, the Executive Committee invalidated the results of the UWUA Local 132 election of President, Secretary-Treasurer, Business Agent, and the Regional Officer positions. The elected members of those offices were removed from office. The Executive Committee ordered a new election to be supervised by the National Union.

As a result of the Executive Committee's decision on the election challenges, UWUA Local 132 was left without union officers. On July 12, 2022, pursuant Article IV, Section 6-B(1) of the UWUA Constitution, President Slevin, in consultation with the Executive Committee, instituted an emergency trusteeship of UWUA Local 132 to restore the democratic procedures and to carry out the legitimate objectives of the National Union.

III. DECISION OF THE SUBCOMMITTEE

The unanimous decision of the Subcommittee is to ratify the Trusteeship of UWUA Local 132 imposed by National President Slevin on July 12, 2022. The Subcommittee finds the removal of the officers of Local 132 on July 12, 2022, and the lack of principle officers justified the imposition of a trusteeship under Article IV, Section 6-B(1) of the UWUA Constitution.

As stated at the hearing by Trustee Dillon, UWUA Local 132 has approximately 3000 members spread out over a wide geographic area. A local union this large simply cannot effectively represent the membership without experienced union leaders in control of the union. At the July

31, 2022, hearing not a single member presented any evidence or made an argument that UWUA Local 132 could properly function without principle officers. A trusteeship is required until new officers are elected, installed and the Local can successfully operate on its own.

At the hearing, Trustee Dillon also presented evidence of serious financial problems at UWUA Local 132. The Local owes So Cal Gas over \$300,000 for union lost time wages, it has failed to pay failed to reimburse So Cal Gas for health care premiums for current and past officers since March 2022, and it owes a number of vendors money for services provided. Trustee Dillon described a situation were the Local does not have enough liquid assets to pay its monthly bills. This evidence was not disputed at the hearing. These financial problems must be remedied for UWUA Local 132 to move forward as an autonomous local union.

Trustee Dillon further described UWUA Local 132's failure service its members and enforce the collective bargaining agreement stretching back years. The Trustee and the Deputy Trustees found that the Local's Grievance Committee had not met in at least 18 months. They also found pending grievances going back to 2016, that there are timeliness issues for at least six discharge grievances, and there are a number of threats from members to take legal action against the Local related to grievance processing. Once again, this evidence was unrebutted at the hearing, even though several former officers were present and provided testimony, exhibits and statements.

The Subcommittee was taken aback by these undisputed facts. The membership of UWUA Local 132 must be able to count on its elected leadership to properly process grievances, enforce the collective bargaining agreement with So Cal Gas, and effectively represent the members. In our view, when UWUA Local 132 elects new officers those officers must be trained in how to properly handle grievances. That training will require additional oversight by the Trustee and others from the National Union.

A number of UWUA Local 132 members and former officers attended and participated in the trusteeship hearing. The Subcommittee thanks those members for their participation and appreciates their respectful conduct at the hearing. A number of former officers sought to present information in response to the election challenges that were filed in April 2022. As the Subcommittee explained, we do not have the authority to review the decision of the Executive Committee on the election challenges. That being said, the failure of the former officers to respond to the substantive allegations of election wrongdoing during the election challenge procedure is a failure on their part. Refusing to fully participate in the procedure set forth in UWUA Local 132's By-laws and the UWUA Constitution to ensure free and fair officer elections was a grave mistake.

The Subcommittee agrees that the National President had a legitimate basis to impose a trusteeship on UWUA Local 132 to restore democratic procedures and carry out the legitimate objectives of the National Union. Therefore, the Subcommittee ratifies the trusteeship of UWUA Local 132.

Article IV, Section 6-B(1) of the UWUA Constitution allows for the imposition of a trusteeship to correct financial malpractice and assure the performance of collective bargaining agreements or other duties of a bargaining representative. Although the serious financial issues and failures of UWUA Local 132 to properly process grievances and enforce the contract were not specifically set forth in the emergency trusteeship because those issues were not known at the time, it is clear that subsequently, the UWUA became aware of substantial evidence that the former leaders of UWUA Local 132 had failed to manage its finances and assure performance of the collective bargaining agreement. These failures support additional reasons under the UWUA Constitution for the imposition of the trusteeship. Of course, having a properly financially managed local union and an effective bargaining representative are also legitimate objectives of the National Union. The Subcommittee unanimously concludes that separate, additional reasons

for the trusteeship of UWUA Local 132 are to correct financial malpractice and assure the performance of collective bargaining agreements and other duties of a bargaining representative.

IV. CONCLUSION

Based on the evidence presented at the July 31, 2022, trusteeship hearing, the Subcommittee appointed pursuant to the UWUA Constitution unanimously ratifies the trusteeship of UWUA Local 132 for the reasons stated above.

Subcommittee Members

 /s/ *Travis A. Beck*
Travis Beck
(Chairperson)

 Juanita Ray
Juanita Ray

 /s/ *John Arnett*
John Arnett

August 24, 2022

SERVICE AND RIGHT OF APPEAL

This decision is being served by first class mail to the last known address of every member of UWUA Local 132. Any member aggrieved by this Decision may appeal to the full National Executive Board in accordance with Article IV, Section 6-B(6) of the UWUA Constitution. Such appeal must be addressed to the National Secretary-Treasurer and must be received within 30 days of the date of this decision.