

To: Jody Calemine, CWA Chief of Staff
From: Derrick Osobase, CWA Administrative Director
Date: March 27, 2023
RE: Response to Memo "Eligibility to Run for Office"
CC: CWA Executive Board

This memorandum and attachments are submitted in response to the "informal memo" I received on March 15, 2023 concerning my eligibility to run for CWA District 6 Vice President. To summarize what is outlined in more detail below:

I am a member of "Good Standing" and eligible to run for office for two reasons.

- a. I have been a dues paying member in "Good Standing" for 17 years while an employee of Local 6186 Texas State Employees Union (TSEU-CWA) and CWA International.
- b. From 1999 to August 2003, I was employed by the University of Texas at San Antonio, an employer covered by the jurisdiction of Local 6186.

Both of these facts allow me to run and hold office within CWA.

I. STATEMENT OF FACTS

I am currently employed by CWA as an Administrative Director in District 6 and am a member in "Good Standing" with Local 6186. Below is a summary of my relevant employment history:

- 2018-Present - CWA District 6 Administrative Director
- 2018-2018 - CWA District 6 Staff Representative
- 2014-2018 - CWA District 6 Campaign Lead
- 2005-2014 - CWA Local 6186 Organizer then Legislative/Political Director
- 2003-2005 - Law Student
- 1999-2003 - University of Texas at San Antonio Clerk

II. PRECEDENT AND ANALYSIS

I am a member eligible to run for office for two reasons. Article V of the CWA Constitution allows employees of a local and the international to be eligible to be CWA members. Second, I was employed by the University of Texas at San Antonio, an employer covered by the jurisdiction of local 6186, from 1999 to 2003. Both of these facts make me eligible for membership in the local, which I have held since 2005.

A. UNDER SECTION 1 OF ARTICLE V I AM ELIGIBLE TO RUN AND HOLD UNION OFFICE BECAUSE I HAVE BEEN A MEMBER OF LOCAL 6186 SINCE 2006

Article V of the Constitution, sets the requirements for someone to be eligible for union membership. Section 1 of Article V specifically allows employees of a local or the international to become members. I have been employed by Local 6186 or CWA International since 2006.

I have been a member of local 6186 since 2005 and have been a member in “Good Standing” for over 17 continuous years. Per Article V, I am eligible to run for office as numerous other employees have done over the years. While Mr. Calemine contends “CWA membership may only be maintained while employed by the Local or International, not obtained because of such employment,” such a restriction is not stated in the language or consistent with the International’s past practice when considering candidates membership.

CWA’s past practice demonstrates there have been many notable CWA elected officials, candidates and national committee representatives who have held national positions with the same background as myself:

Sara Steffens

Sara worked at Contra Costa Times. She was terminated for leading an organizing drive. Subsequently she was hired as an organizer by CWA and later as an International Staff Representative. Sara ran, was elected and is currently holding office as CWA Secretary-Treasurer. Her eligibility was never questioned informally, nor was a formal complaint brought questioning her membership and right to run.

Larry Cohen

Larry had a brief tenure as a New Jersey state worker in the 1970s in a unit that was not a CWA bargaining unit at the time he was employed. There was a gap in his employment. He was later hired by the International Union as an organizer and led an organizing drive for a unit which was chartered as Local 1085. He began paying dues into Local 1085 and continued paying dues to that Local for the rest of his career. Local 1085 is not chartered to represent state workers.

Carla Katz

As President of Local 1034, she ran against then District 1 Vice President Chris Shelton. Her name was put into nomination uncontested, she was listed on the ballot, and the election was held. She was hired by the local and was never part of a bargaining unit.

Ken McNamara

Has been a member of CWA for 30 years, President of Local 1037 for the past 15 years, the District 1 Representative of the CWA Defense Fund Oversight Committee (DFOC) for more than a decade and a previous delegate to the CWA National Convention numerous times. He was hired on staff at Local 1037 and has paid dues to his local since 1993. His situation is not unique in NJ or the public sector. There is a long history of presidents and executive board members of Locals 1031, 1032, 1034, 1036 and 1037 whose membership status are identical to his own.

These examples demonstrate that I am eligible to run for office because I am a member in “Good Standing.” Otherwise the qualifications being placed upon me are not being uniformly applied and enforced by the International.

Mr. Calemine cited the cases of Ms. Pat Collins and Mr. Rafael Navar as relevant precedent. Neither Ms. Collins nor Mr. Navar were employees of the local. Nor had they ever worked within the jurisdiction of the local at the time their eligibility was reviewed. Both examples are distinct from my position.

B. I AM ELIGIBLE TO RUN AND HOLD UNION OFFICE BECAUSE I WAS EMPLOYED BY AN EMPLOYER WITHIN THE JURISDICTION OF LOCAL 6186

In the internal memo written by Mr. Calemine sets forth the “ fundamental rule” for membership eligibility: “a person must be or have been employed by an employer in the jurisdiction of the local to be eligible for CWA membership.” By merely following this “Fundamental Rule” put forth by Mr. Calemine, I am eligible to be a member and to run for office. As Mr. Calemine’s newly asserted rule requires, I have been employed by an employer in the jurisdiction of the local. As previously discussed, I worked for UT San Antonio, an employer in the jurisdiction of the Local 6186, from 1999 to 2003. After that, I started working for the local in 2005 and have been paying dues as a member since then. Thus, I have met the requirements of the “Fundamental Rule” and I am eligible to run for office.

Importantly, the “fundamental rule” does not require that you currently work for an employer in the jurisdiction, only that you have done so in the past. Mr. Calemine in his memo states as a requirement for membership eligibility that I must have sought to obtain membership when employed by the employer covered by the CWA jurisdiction. Mr. Calemine’s additional requirement is not supported by his own “fundamental rule” or the CWA Constitution. Nor has this been past practice to determine eligibility in past elections. As previously stated, in order to be eligible for membership, I must have been employed by an employer covered by the CWA jurisdiction when I applied for membership after being employed by the local. There is nothing in the Constitution or Bylaws that supports Mr. Calemine’s position that I must have sought membership when employed by UT San Antonio.

I am hopeful that after considering the above facts, no doubt will remain as to the legitimacy of my membership and my eligibility to seek election to our national executive board. If the Executive Board would like to take up this matter, I ask to be allowed to address the Board in-person via Zoom prior to a vote.

Please let me know if you have any questions.

PERSONAL STATEMENT OF DERRICK OSOBASE TO THE CWA EXECUTIVE BOARD

March 27, 2024

Dear CWA Executive Board,

I can not express my heartbreak and disappointment in the actions that have been taken against me. I have committed almost 18 years of my life to this Union. One of the proudest moments in my life was going to work for TSEU. I saw going to work for TSEU and then CWA not as a job, but as a calling. I love this Union. All my career I have been told that there is a right way to do things. I took that to heart. I tried to live by that and I have put the best interest of the members first. I was not perfect but I worked hard and I would put my record and commitment to this organization up against anyone.

I am at a loss to see rules created and applied to some candidates and not others or in some Districts. This is inherently unfair. If a rule can not be equally applied throughout the union, past or current, then it should not be a rule at all. Furthermore, the Constitution should have a common understanding. It should not need an interpretation that the Chief of Staff has to create, like a decoder ring, used to solve a puzzle.

Union democracy, the adherence to the Constitution, and fairness is what should guide our decisions in this institution.

It may not be the intentions of Mr. Calemine on behalf of the President to have only applied this new ruling to a member of color, but its effect is the same now knowing there are others who have the same background whose membership has not been questioned. The wild lack of process and the strained Constitutional interpretation are clearly pretext for other motives.

CWA members come from many paths and politically motivated attempts to engineer disqualification of a candidate and limit the members' choices is just wrong. I have been a proud, loyal, and dedicated member and employee of CWA. I can not wrap my head around the fact that for nearly 18 years I have been proud to call myself a CWA member, but now my Union President and my Union is saying they are not proud to call me one.

I am hopeful of the collective wisdom of this Executive Board in supporting the recognition of my membership and eligibility to run for office.

Sincerely,

Derrick Osobase