



# TEXAS STATE EMPLOYEES UNION

Communications Workers of America, Local 6186 / AFL-CIO

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MEMO

TO: Jody Calemine  
FR: Judy Lugo, President Texas State Employees Union  
DA: March 27, 2023  
RE: TSEU By-laws  
CC: Executive Board

Jody,

Your March 15 2023 to Derrick Osobase has come to my attention. In this memo, you share your opinion that employees of the Texas State Employees Union / CWA Local 6186 are not able to obtain TSEU membership through their employment with our local. This position directly contradicts our local's bylaws and conflicts with our proud, long standing history of TSEU staff being members of the local they are building. Both the 1990 and 2015 bylaws are attached, with a key section excerpted here for your convenience.

Article V- Membership; Section 1 Eligibility states the following-

- A. Any person eligible for membership in CWA, as defined in Article V of its Constitution, shall be eligible for membership in Local 6186, if performing work within Local 6186's assigned jurisdiction, or if employed on a part-time or full-time basis by the CWA or Local 6186.

Emphasis added. This language is contained verbatim in our by-laws passed in 1990 and in 2015. It is important to note that this language is also included as a template in the CWA Union Operating Procedures Manual, Part XIII: Local By Laws, Section 2 Sample Local Bylaws.

Derrick Osobase has been a dues paying member of TSEU since July 2006 and remains a member in good standing with the same rights as all other members. After beginning his employment at District 6 in January 2014, Derrick maintained his membership in TSEU as allowed in our bylaws.

I am very concerned about the presumptive statement quoted here concerning what our local board members would do or would never do that was in the your memo to Mr. Osobase dated March 15 2023:

*I note that the charter suggests that the Executive Board could assign further jurisdiction to the Local ("such other jurisdiction as may be assigned..."); however, I understand your employment during all relevant periods to be either with the Local or with the National Union. The Executive Board would never assign a Local membership jurisdiction over its own employees or over the employees of the National Union, for obvious company-dominated-union, inherent-conflict-of-interest reasons. CWA*



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*membership may only ever be maintained while employed by the Local or the National Union, not obtained because of such employment.*

I advise Mr. Calamine and other concerned parties to review our local by-laws before determining who can or can not be a member of our local. For decades, our staff have been - and remain - full fledged members of TSEU. This new interpretation that "CWA membership may only ever be maintained while employed by the Local or the National Union, not obtained.", is an opinion not based on the CWA constitution, our local by-laws, or cited precedents. In fact, it directly contradicts the constitution, our local bylaws, and the CWA's own guide to establishing local bylaws. While I appreciate that Mr. Calamine took the time to review our charter, a cursory review of our bylaws - or even the CWA's own publicly available bylaws template - would have been more appropriate.

The precedents described as relevant in the memo are also unrelated to Derrick Ososbase's membership for several reasons. As stated in your memo regarding Ms. Collins;

*She is not an employee of the Union, and, in fact is a party to a written legal retainer agreement providing that she "will not be an employee of CWA" but will function only as a retained independent legal practitioner.*

*Were this not the case, employment by CWA could not create membership eligibility. It would only permit the continuation of active membership if it existed at the time of employment.*

Mr. Osobase is an employee of the Union and not party to a written legal retainer prohibiting him from employment. Secondly, Mr. Osobase established his membership with TSEU in 2006, as allowed by our local by-laws and in accordance with our charter. His employment with CWA allowed him to maintain his membership, which he has done continuously. Mr. Osobase is a member in good standing of CWA 6186.

The second precedent cited in the memo similarly does not apply to Mr. Osobase. As stated in your memo;

*In 2019, the Executive Board considered the question of whether Rafael Navar was eligible to run for elected office. Navar had been an employee of the National Union, resigned his position, and soon thereafter declared his candidacy for elected office. Given that Navar had never been employed by a unit represented by a Local before becoming employed by CWA, the question was whether he was eligible for membership.*

Mr. Osobase has not resigned his position as an employee with CWA, as Mr. Navar did. Additionally, Mr. Osobase had been employed by TSEU and therefore a full-fledged member represented by our local for over 7 years before becoming employed by CWA.



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As President of TSEU for 20 years, and as a board member, activist, and member since 1985, I find it very troubling that our local bylaws and decisions are being called into question. We have been a proud part of the CWA family for over 40 years- and staff have been part of that family as members of TSEU since the beginning. Stating that Mr. Osobase is not a CWA member – not just that he isn't eligible to run for an executive board position – is wrong on all accounts.

Presumptive statements about what I as a TSEU board member would or would not do is directly linked to the insular good ol' boy culture that has no place in OUR union. Our local, along with other non-collective bargaining locals, have been through the days of being castigated and sidelined for not being "a real union." I thought we were past those days, and am disheartened to see us going backwards.

I expect for the March 15 2023 memo from Mr. Calamine to be retracted and corrected based on the by-laws of the Texas State Employees Union / CWA Local 6186 and over 40 years of precedent.

In Solidarity,

  
Judy Lugo

President

Texas State Employees Union / CWA Local 6186