



# The Record

LOCAL 1-2

**WHATEVER IT TAKES!!!!**



**GET READY TO OCCUPY  
CON ED!**



## The Record

Utility Worker Union of America,  
AFL-CIO, Local 1-2

Harry J. Farrell  
**President**

Andrew O'Connell  
**Vice President**

Lucia E. Pagano  
**Secretary-Treasurer**

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James Slevin

### Business Agents

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Salvatore Guercio	John Stadtmuller
Sean Hearte	Rocco Talarico
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Vincent Kyne	Richard Velocci
Linda Lesnewski	Marc Vingelli
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John MacNeill	Robert Vuono
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Thomas Zummo	

### Editor

Harry J. Farrell

**Your Views  
And Comments  
Are Welcome**

# THE RECORD LOCAL 1-2

Vol. LXI, No. 523  
FEBRUARY 2012

## Roll The Union On

*A Song by John Handcox © 1947 Stormking Music Inc. (courtesy  
International Brotherhood of Teamsters website)*

### Chorus

We're gonna roll, we're gonna roll, we're gonna roll the  
union on

We're gonna roll, we're gonna roll, we're gonna roll the  
union on

If the boss gets in the way, we're gonna roll it over him  
Gonna roll it over him, gonna roll it over him

If the boss gets in the way, we're gonna roll it over him  
We're gonna roll the union on

If the scabs get in the way, we're gonna roll it over them  
Gonna roll it over them, gonna roll it over them

If the scabs get in the way, we're gonna roll it over them  
We're gonna roll the union on

If Burke gets in the way, we're gonna roll it over him  
Gonna roll it over him, gonna roll it over him

If Burke gets in the way, we're gonna roll it over him  
We're gonna roll the union on

If Burke gets in the way, we're gonna roll it over him  
Gonna roll it over him, gonna roll it over him

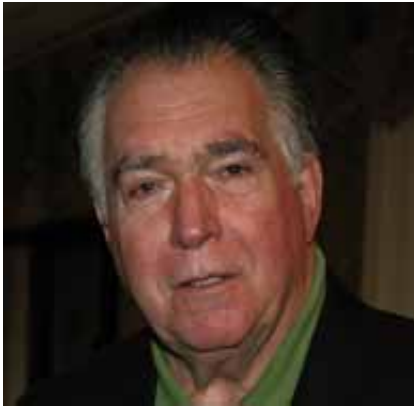
If Burke gets in the way, we're gonna roll it over him  
We're gonna roll the union on

If Burke gets in the way, we're gonna roll it over him  
Gonna roll it over him, gonna roll it over him

If Burke gets in the way, we're gonna roll it over him  
We're gonna roll the union on

## FROM THE DESK OF .....

**HARRY J. FARRELL – PRESIDENT, LOCAL 1-2**



Welcome to 2012.

As all of you know this year is a pivotal time in the history of our Local, as we enter into contract negotiations with our largest employer Con Edison. This is not a time for the faint of heart nor for those who are less than committed to Unity in the face of the Bosses.

In the coming months, just as we did in 2011, we will be informing you of our actions through our "WHATEVER IT TAKES!" campaign, using fliers, the Local 1-2 website and Twitter and Facebook.

The message is simple: If we go out, lights go out!

Already, as many of our Members who work for Con Edison know, the bosses are blowing smoke about "shared sacrifice." What a crock. When Con Edison CEO Kevin Burke is compensated to the tune of \$17 million a year, profits are at record levels and shareholders are fat and happy, it's time to demand our

fair share for our hard labor. If you follow the news at all, even if it's Jon Stewart or the Colbert Report on Comedy Central, you know that the Bosses have been attacking Unions for the past several years like never before. All across the country we read, day in and day out, about givebacks, cutbacks, workforce reduction and reduced benefits imposed on workers who create the wealth that the Burkes of this world roll home in wheelbarrows.

But we Members of Local 1-2 are fortunate because of the foundation that we have built over the decades and our uncompromising stance to reap the fruits of our labor at the bargaining table.

We have the experience of bringing to our Members no less than 13 successful contracts from the bargaining table in the past seven years alone.

And we are not about to change that now.

All we ask is that you stand with us as one. We must stick to the principles of Unionism and unity. Without these, the Bosses will pick us off and try to gut our contract.

And if you need some heart, look to your Brothers and Sisters at United Water of New Rochelle. For months now, they have been standing strong, picketing the company offices and telling the Bosses where to put their non-offer offers. It's a French-owned

outfit so maybe something about our resolve has been lost in translation, but they are listening now and they hear us loud and clear. They did not expect the resolve of Local 1-2 to reject their outrageous demands.

When it comes to Con Edison, do not buy for a minute any noise they make about saving money on our backs. There's plenty of money for Burke and the rest of management. We don't see them sacrificing anything.

And don't listen to their BS about containing the costs of your benefits by having you shoulder them. You worked for them, you sweat for them, you keep them. That's the Local's position.

The remainder of this issue of The Record is devoted to one subject. Please read it carefully, thoughtfully, judiciously. At the Membership Meeting you will be asked to vote on this matter. I wish matters had not come to this but they did. This is a very serious matter for you to consider and it is necessary for you to be present at the Membership Meeting to vote on it. Remember, this is a make or break year for Local 1-2. Your self-interest and the Local's are one and the same: bringing home the best contract we can.

Don't give your Bosses an inch because they'll take a mile! Stay strong. Stay United. Stay involved.

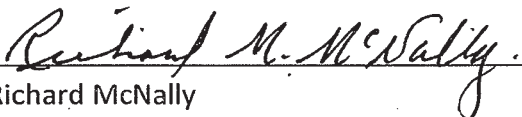
## CHARGES AND SPECIFICATIONS

Pursuant to Article XX of the By-Laws of Local 1-2, Utility Workers Union of America, AFL-CIO, the undersigned hereby charges Andrew O'Connell, Vice President and member of Local 1-2, with having engaged in nonfeasance and neglect of duty as an Officer of this Local and committing harm to the Local Union, as follows:

1. He has failed and/or refused to comply with the directive of the Local 1-2 Executive Board, issued at its meeting on September 6, 2011, to inform Local 1-2 President Harry Farrell each workday of where he will be and what duties he is performing. Brother O'Connell's compliance (and his failure to comply) with this directive was reviewed by the Local 1-2 Executive Board at its meeting held on October 26, 2011.
2. He has failed and/or refused to comply with the directive of the Local 1-2 Executive Board, issued at its meeting on September 6, 2011, to issue a meaningful apology to President Farrell for his (Brother O'Connell's) email dated August 8, 2011. At the Local 1-2 Executive Board meeting on September 6, 2011, Mr. O'Connell was directed to issue such apology to President Farrell, in writing, with a copy to Executive Board Chair Richard McNally and Local 1-2 General Counsel Sidney H. Kalban; and advised that compliance would be reviewed at the October 2011 Executive Board meeting. Upon review at the October 26, 2011, meeting of the Executive Board, it was evident that no such apology was sent by Brother O'Connell.

Brother O'Connell's actions and inactions are in violation of his obligation under Article IX, Section 2(e) of the Local 1-2 By-Laws to cooperate with the President and to perform such duties as he is assigned by the President or Executive Board.

Respectfully submitted this 27<sup>th</sup> day of October 2011,

  
Richard McNally

# TRIAL COMMITTEE REPORT

In the Matter of  
Charges against Andrew O'Connell

## Report of the Trial Committee

On October 27, 2011, Union member Richard McNally filed Charges and Specifications against Andrew O'Connell, as follows:

Pursuant to Article XX of the By-Laws of Local 1-2, Utility Workers Union of America, AFL-CIO, the undersigned hereby charges Andrew O'Connell, Vice President and member of Local 1-2, with having engaged in nonfeasance and neglect of duty as an Officer of this Local and committing harm to the Local Union, as follows:

1. He has failed and/or refused to comply with the directive of the Local 1-2 Executive Board, issued at its meeting on September 6, 2011, to inform Local 1-2 President Harry Farrell each workday of where he will be and what duties he is performing. Brother O'Connell's compliance (and his failure to comply) with this directive was reviewed by the Local 1-2 Executive Board at its meeting held on October 26, 2011.

2. He has failed and/or refused to comply with the directive of the Local 1-2 Executive Board issued at its meeting on September 6, 2011, to issue a meaningful apology to President Farrell for his (Brother O'Connell's) email dated August 8, 2011. At the Local 1-2 Executive Board meeting on September 6, 2011, Mr. O'Connell was directed to issue such apology to President Farrell, in writing, with a copy to Executive Board Chair Richard McNally and Local 1-2 General Counsel Sidney H. Kalban; and advised that compliance would be reviewed at the October 2011 Executive

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Board meeting. Upon review at the October 26, 2011, meeting of the Executive Board, it was evident that no such apology was sent by Brother O'Connell.

Brother O'Connell's actions and inactions are in violation of his obligation under Article IX, Section 2(e) of the Local 1-2 By-Laws to cooperate with the President and to perform such duties as he is assigned by the President or Executive Board.

The Charges were mailed to Mr. O'Connell on November 1, 2011, together with a notice advising him that the trial would be held on Wednesday, November 16, 2011 at 9 AM at the Union office at 5 West 37<sup>th</sup> Street, New York, NY. On November 4, a notice was sent to Mr. O'Connell changing the trial date to Tuesday, November, 15 at 9 AM.

On Thursday November 10, 2011, Attorney Robert Burzichelli wrote a letter to Sidney Kalban, General Counsel Local 1-2, requesting on behalf of Mr. O'Connell that the trial be adjourned until such time as upcoming negotiations were concluded. The basis on which the request was made was that Mr. O'Connell is

currently play[ing] a prominent role in the negotiations between Local 1-2 and United Water of New Rochelle as well as the New York Power Authority. Additionally the Union will soon be negotiating simultaneously with Con Edison, Local 1-2's largest employer, and USPG, where Mr. O'Connell will again fulfill a role integral to achieving Local 1-2's goals. We would, therefore, respectfully request an adjournment until such time as this trial would not adversely and prejudicially affect the union's position at these negotiations. Additionally Mr. O'Connell should be granted an extension so that he may adequately prepare his defenses and not be forced to compromise Local 1-2's interests. Given the

## TRIAL COMMITTEE REPORT

significant nature of Andy's part in these negotiations coupled with the fact that the charges are not of such a nature to require immediate action, we would request your cooperation in granting an adjournment.

On Monday November 14, Mr. O'Connell fell in the front hallway of the union office and was taken to the hospital. At 2:35 he wrote an email to Secretary-Treasurer Lucia Pagano, President Harry Farrell and General Counsel Sidney Kalban that read as follows:

I will be getting discharged from the hospital soon. I must follow up with another health care professional as soon as possible. My attorney sent a request for adjournment to each of you regarding tomorrow based on specific circumstances spoken to in the letter. You have not replied. Given this most recent incident involving myself, due to poor housekeeping at the 1-2 office, I will not be present tomorrow at the trial. My health is most important.

This email was followed by a letter from Attorney Burzichelli, reiterating the request for a postponement.

In an email response to Mr. O'Connell at 4:41 PM on November 14, Mr. Kalban suggested that Mr. O'Connell "get a detailed note from the doctor and/or hospital explaining what your ailment is and whether you are capable of travel to the hearing tomorrow and submit that to the trial committee (c/o the office) by 9 AM tomorrow."

At 8:40 on the morning of the trial, Mr. O'Connell sent an email to Secretary-Treasurer Lucia Pagano, reiterating that he was unavailable to attend the trial because of a "need for immediate follow up from an orthopedic specialist." He asserted that he would be seeing doctors for

## TRIAL COMMITTEE REPORT

most of the day, but could be reached for questions. He also stated that since there had been no response from the Union to his request for adjournment, he had given information to union member Justo Vega to present on his behalf.

The Trial Committee convened at 9:25 AM on November 15, 2011. Counsel to the Trial Committee, Barbara Deinhardt, opened the meeting and asked for nominations for Chair. John (Scotty) MacNeill and Emilio Fredericks were nominated. A vote was held and by a vote of 17 to 7, Mr. MacNeill was elected Chair. The proceedings were thereupon turned over to him.

The first order of business were the requests from Mr. O'Connell's attorney and from Mr. O'Connell for an adjournment. The request from the attorney for an adjournment until the conclusion of the pending negotiations was denied, by a vote of 21 to 2, with one abstention. Following a lengthy discussion, the Committee requested that Chair MacNeill advise Mr. O'Connell by telephone, email and text that he had an hour—until 11:30 AM--to submit a copy of the hospital discharge report or to call and explain why he could not do so. No communication was received from Mr. O'Connell by 11:30 and a vote was taken to proceed with the hearing. Following a break, it was discovered that Mr. O'Connell had responded to the previous request and advised that he needed until 1:30-2:30 PM to produce medical documentation. The Committee then voted to suspend its earlier motion and to give Mr. O'Connell until 1:30 to produce the information.

## TRIAL COMMITTEE REPORT

Mr. O'Connell faxed a copy of a letter from his chiropractor, Dr. Jeffrey Mullins, 189 Montague St, Brooklyn Heights, NY and a copy of his hospital discharge report, neither of which stated what Mr. O'Connell's diagnosis is, i.e. what his injury was, if any. The hospital report did not state that Mr. O'Connell was unfit to work or to attend any type of meeting or to travel, nor that he needed to see a personal physician the next day. No medication was prescribed. The chiropractor wrote that Mr. O'Connell is being treated for injuries he sustained in a work-related accident, that he is unable to work for an undetermined period of time, and that it is imperative that he continues to receive treatment at least three times a week. (Mr. O'Connell also faxed an internet description of a medical condition that there is absolutely no evidence that he has.)

Based on that letter and the hospital report, the Committee concluded that while Mr. O'Connell may have been unable to return to his regular duties, there was no documented medical contraindication to him appearing for the hearing. If he was able to travel from his home in Staten Island to a chiropractor in Brooklyn Heights, he could travel to the Union office in Manhattan. The Committee voted by a vote of 21 to 3 to postpone the hearing until 9 AM on Thursday November 17. Mr. O'Connell was so advised by email at 3:45 on November 15 and by follow-up registered letter. In those communications, he was told that no further extension would be granted.

On November 16, Attorney Burzichelli sent another letter to Mr. Kalban, requesting a more extended adjournment, given that "Mr. O'Connell's injuries are of a nature that keeps him incapacitated and

## TRIAL COMMITTEE REPORT

initial reports from his doctors indicate he may be unable to resume normal duties for several weeks.” Mr. O’Connell’s lawyer did not submit any medical documents.

The trial resumed at 9:05 AM on Thursday November 17. Mr. O’Connell was not present and had not designated a representative. The Trial Committee voted unanimously to deny the adjournment request made the previous day by Attorney Burzichelli.

The first witness was the Charging Party, Richard McNally. Having been sworn in, Mr. McNally testified that the Charges grew out of a meeting of the Executive Board on September 6, 2011. In that meeting, according to the written minutes thereof, “the Board met in Executive Session and with President Farrell and V.P. O’Connell, both separately and together, to discuss interpersonal relations. Following extensive discussions, Executive Board directed V.P. O’Connell to provide written apology to President Farrell concerning certain email and to report to President Farrell each day on his activities for that day, including where he will be.”

This directive from the Executive Board resulted from an exchange of emails between President Farrell and Vice-President O’Connell. On August 4, 2011, President Farrell wrote an email to Mr. O’Connell, as follows:

Andy,

The Vice President shall devote full time to his/her office and shall report ALL of his activities to the President and Executive Board. The Vice President shall COOPERATE

## TRIAL COMMITTEE REPORT

with the President and perform such other duties as may pertain to his/her office or that may be assigned by the President or Executive Board.

As of August 5, 2011 you will report to the Union Office every day at 5 West 37 St. Your hours are 9am to 5pm. If you have a meeting outside this office I want to know who you are meeting with and the reason for the meeting.

In response, on August 8, Mr. O'Connell sent an email to President Farrell, copied to the entire Executive Board at their Con Edison email addresses and to Union General Counsel Sidney Kalban. In that email, Mr. O'Connell took issue with the directions that President Farrell had given him, stating that he has reported to the President and the Executive Board

in the same fashion as has been done in the past with every other Vice President...If you or the Executive Board would like something different than what has been previously provided, please let me know and we can discuss it. As for the schedule of working days and hours, that you are attempting to impose on me, I must respectfully reply that there are not now, nor have there ever been such restrictions imposed on any officer of this local...When/if my responsibilities take me out of the office, I will call in to the "officer on duty" in the same way every other officer presently does...If you or the Executive Board have any additional duties for me, or prefer that I report back on those duties in a different way, I will be more than happy to discuss the additional duties and/or reporting method.

The email also made a reference to President Farrell's "present physical and mental state."

Contrary to his agreement at the Board meeting on September 6, Mr. O'Connell told Mr. McNally, on September 13 that he was not going

## TRIAL COMMITTEE REPORT

to issue the requested letter of apology. On September 26, Chairman McNally wrote an email to VP O'Connell as follows:

Andy,

Regarding your inappropriate E-mail to Harry Farrell, cc'd to Sid Kalban, and the E-Board, dated 08 August 2011, sent out to Con Edison E-mail addresses, you have caused irreparable damage to the solidarity and strength of the brotherhood of this great local, as well as assassinate the character of the strongest, most forward thinking President this Union has seen in years.

Your actions have driven a wedge between E-board members and have created an uncomfortable environment of rumors, speculation and mistrust.

Mr. Vice-President, a person in your position should be well aware that a house divided CAN NOT stand; you cannot close the barn door after the horse gets out and say "no harm done".

For the GOOD OF THE UNION, we have had meetings, and conducted interviews with both yourself and President Farrell, to try to put this behind us, re-unite, regroup and move forward, united and strong, as we approach the upcoming contract negotiations with Con Edison.

A stipulation of the last meeting was that you write a letter of apology to President Farrell, cc to Sid Kalban, Counsel, and the Chairman of the Board.

To this date, 25 September 2011, no letter has been received.

Your cooperation will be appreciated by forwarding said letter of apology by 30 September 2011.

Having received no response from Mr. O'Connell by September 30, Mr. McNally called the Union to verify his email addresses and left a message for Mr. O'Connell to call him back ASAP. Mr. McNally wanted to confirm that Mr. O'Connell had received the email directing him to issue an apology. Despite the fact that, according to sworn testimony adduced

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at the trial, Mr. O'Connell received Mr. McNally's message, Mr. O'Connell never returned the call. Mr. McNally then followed up with another letter, sent to Mr. O'Connell's home certified mail, return receipt requested, requesting that he honor his agreement to send a written letter of apology to President Farrell. The receipt was returned indicating delivery on October 4, but Mr. O'Connell never responded.

By the time of the next Executive Board meeting, October 26, 2011, according to the written minutes thereof, "Andy O'Connell has not yet complied with the directives to send a letter of apology to President Harry Farrell (with copies to the Executive Board Chairman Rich McNally and General Counsel Sid Kalban) and to keep Harry informed daily of his location and activities."

On October 27, the charges were filed.

Mr. McNally called President Harry Farrell as a witness. Because the Charges were brought on the failure to comply with the September 6 directive, after being sworn, President Farrell was asked about Mr. O'Connell's conduct following that date. President Farrell testified that Mr. O'Connell refused to report to the office every day at 9:00 and not leave until 5:00.

He just continued to do what he wanted to do. In other words, every day it seemed like he was at 14<sup>th</sup> Street, which is the Con Ed headquarters. He would come in when he wanted to come in, and he would leave when he wanted to leave...He knew that the way to contact me was to call me on my cell phone. That's directly to me. He decided what he would do is he would call the office phone. And he would

## TRIAL COMMITTEE REPORT

leave a message that he's at 14<sup>th</sup> Street. He'll be in. He would come in. He would leave, never say where he was going, what he was doing. And this just continued to go on.

According to President Farrell, other officers have to fill out a daily log, letting him know where they are working, but Mr. O'Connell has never done that since he has been Vice-President. President Farrell testified that he was amazed at all the days that Mr. O'Connell said he was at 14<sup>th</sup> Street. "I can't imagine what work he would be doing at 14<sup>th</sup> Street in his capacity as the vice president."

Even after Mr. O'Connell was directed to report to the Union at 9 AM unless he called the President to tell him where he would be and what he would be doing, there were very few days in the three months between the time he was first instructed to do so and the trial he in fact did that. If he reported to the office, he was frequently late.

- At the end of the day on September 16, President Farrell emailed Mr. O'Connell asking where he had been since he had not heard from him, reminding him that when he was going to be out of the office he was to call and let him know his whereabouts. In the email, President Farrell also asked where O'Connell had been for the meeting at Trans--Canada on September 9. He reminded O'Connell about the meeting scheduled for September 21 (later changed to September 20) at the Westchester Union office to discuss the United Water negotiations. (In the email on September 16, President Farrell

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also asked Vice-President O'Connell about the apology letter, but received no reply.)

- As lead negotiator for United Water, Mr. O'Connell was supposed to attend the September 20 meeting, but he did not show up. When President Farrell asked him where he had been, he said he had an eye exam and his eyes were dilated. He had not notified anyone in advance of his absence and didn't give any explanation as to why he couldn't report after his eyes refocused. There was a rank and file meeting the evening of September 20 for members from United Water. Again, Mr. O'Connell didn't appear and didn't call in.

- He did not come to work on September 20, 21, 22 and 23.

- On October 4 he sent an email advising President Farrell that he would be at 14<sup>th</sup> Street for an hour or two filing for arbitration. Then he sent another email stating that he was leaving for the day to attend to personal business.

- He called in sick on October 11 and then was out October 11, 12, 13, 14, 17, 18 and 19 without calling again.

- He sent President Farrell and Lucia Pagano an email advising that he would be out sick on October 25, 26, and 27.

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During the period from October 28 to November 10, he sent emails most days to President Farrell advising of his whereabouts and activities.

He did not attend the many functions related to the ongoing United Water negotiations—rank and file meetings, informational picket duty, and picketing in front of the United Water’s headquarters. (The only activity he attended was the demonstration outside the CEO’s house in New Jersey.)

On October 5, President Farrell called a meeting with Bobby Farrell, Jimmy Slevin, Bruce Farina, John Capra, Andy O’Connell and himself to discuss the United Water negotiations, since Mr. O’Connell had missed the September 20 meeting. In the course of the meeting, O’Connell was asked why he had not been at the rallies, picketing and meetings. He said he didn’t feel he had to and then added, “Whoop-dy fucking do.” Bruce Farina asked Mr. O’Connell if he would be at the October 17 negotiations. O’Connell would not answer him. (It turned out that Mr. O’Connell did **not** show up at the October 17 negotiations.) President Farrell asked if “we can count on you to do your end of this, because this is important.” O’Connell responded, “Fuck you.” Farrell asked why O’Connell had walked out of the Entergy negotiations. O’Connell responded, “Hey, fuck you. None of your fucking business.” The meeting dissolved into anger and cursing. When President Farrell reminded O’Connell that he was to be in the office by 9 or to call Farrell on his cell phone, Mr. O’Connell told him to go “f” himself. President Farrell also directed Mr. O’Connell to return his Union vehicle so that it

## TRIAL COMMITTEE REPORT

could be swapped with someone else's car, since it consistently showed the least mileage and has one of the highest costs of all the Union cars. O'Connell again responded with an "f you. Come and get it."

On November 6, President Farrell also sent Mr. O'Connell an email repeating the order to return his Union vehicle so that it could be swapped with someone else's car. Mr. O'Connell has failed to comply with this instruction.

President Farrell also introduced into evidence a copy of a November 5 email that Mr. O'Connell sent to at least five union members that read:

Guys,  
Attached is all the info you need to go around your areas and explain to people what is going on. Explain to them first a timeline of events. Feb. By-Laws submitted, March Election of officers, April Harry announces he has terminal cancer. Then explain as read in Harry's email to me that he imposed restrictions on me (in office 9-5) on Aug 5, so that I could not campaign against the By-Law. And then read to your audiences both Harry's and my emails. When done, ask if anyone heard anything inappropriate that deserves an apology. Finally explain that Harry's letter to the Membership references my email response to him and the EBoard. Last but certainly not least show them the charges that I have been brought up on. And explain that the same EBoard that voted to bring me up on charges will be acting as the judge and jury at the trial they are holding for me. Good luck. Any questions call me.  
Andy.

Bruce Farina, Jimmy Slevin and John Capra were all called as witnesses and under oath confirmed President Farrell's version of Mr.

## TRIAL COMMITTEE REPORT

O'Connell's insubordination at the October United Water strategy meeting in the Union office.

Following the presentation of witnesses, the Trial Committee voted 23 to 0 to convict on each Charge.

As to Charge 1, Mr. O'Connell has an obligation under Article IX, Section 2 of the Local 1-2 By-Laws to devote full time to his office, report all of his activities to the President and Executive Board, cooperate with the President and perform such duties that may be assigned by the President or Executive Board. The President concluded that Mr. O'Connell needed to report to the Union office at 9 AM and stay until 5, unless he had official business elsewhere, and that he needed to let the President know where he was and what he was doing. Other officers are obligated to fill out a log or to call the office once in the morning and again in the afternoon every day to report on their activities, but Mr. O'Connell has not done so during the time he has been VP. Because he had failed to appear at some of his required assignments, such as those involving United Water negotiations, President Farrell asked him to let him know if he was not going to be at the Union office. (Contrary to what Mr. O'Connell alleged in his November 5 email to several union members he was trying to encourage to support his determination not to comply with the directives from President Farrell and the Executive Board, this requirement to let the President know where he was going to be had absolutely nothing to do with any proposed new by-law. It was only designed to ensure that Mr. O'Connell performed his job and fulfilled his obligations to the membership.)

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Mr. O'Connell failed to comply with this lawful directive. He was out of the office on a number of days, e.g. September 16, September 20-23, October 12-19, without letting anyone know where he was. When President Farrell reminded him about the directive during the meeting on October 5, he responded, "Go 'f yourself." He is guilty of Charge #1.

As to Charge 2, it is undisputed that Mr. O'Connell did not render the required written apology. He was reminded on a number of occasions—by email, telephone and letter—but did not comply. He advised Mr. McNally that he was not going to comply. It is apparently his position, as expressed in his November 5 email to the union members, that he had nothing to apologize for. However, the email that he sent to President Farrell on August 8 was damaging to the solidarity and strength of the Union, and disparaged the character of the Union President. As Mr. McNally explained in his email to O'Connell, "Your actions have driven a wedge between E-board members and have created an uncomfortable environment of rumors, speculation and mistrust." It was not his place to refer to President Farrell's physical condition in an email sent to all the members of the Executive Board at their Con Edison-monitored email addresses, such that Con Edison management immediately found out about it. And there is no excuse whatsoever for referring to President Farrell's "present mental state," falsely implying that he has some kind of mental condition. The Executive Board was within its rights to request an apology to President Farrell as a way of bringing closure to the incident and moving forward. Mr. McNally tried to protect Mr. O'Connell from any misuse of such an

## TRIAL COMMITTEE REPORT

apology by agreeing to destroy the written apology once it had been read to the Executive Board “so that there would not be thousands of copies floating around” and Mr. O’Connell had agreed at the September 6 Executive Board meeting to comply with the request, but then refused to do so. He is guilty of Charge #2.

By a vote of 21 to 0, with 2 abstentions, the Trial Committee voted to recommend to the membership that Mr. O’Connell be expelled from office. He has been given every opportunity to demonstrate that he is willing to cooperate with the President and the Executive Board for the good of the Union, but has repeatedly refused to do so. Instead, he has been flagrantly disrespectful and insubordinate, in violation of the Union By-Laws.

So recommended.

Respectfully submitted,

John (Scotty) MacNeill, Chairman  
December 29, 2011

## TRIAL COMMITTEE REPORT

### Trial Committee:

John (Scotty) MacNeill, Chairman  
Paul Ciminetti  
Sal Guercio  
Vincent Kyne  
Sean Marte  
Norman Russell  
William Smith  
John Stadtmuller  
Justo Vega  
Marc Vingelli  
Robert Vuono  
Donald Wiedman

Vito Carbonara  
Emilio Frederick  
Chris Katzman  
Desmond Loughran  
Joseph Mussillo  
Raymond Sherwood  
James Spry  
Rocco Talarico, Jr.  
Rich Velocci  
Frank Vivola  
Jean Washington  
Thomas Zummo

# FINANCIAL STATEMENTS

UTILITY WORKERS UNION OF AMERICA, AFL-CIO  
LOCAL 1-2  
Statement of Financial Position  
September 30, 2011

	General Fund	Defense Fund	Officers' Good and Welfare Fund	Political Action Fund	Eliminations	Total
<b>ASSETS</b>						
Current assets:						
Cash and cash equivalents:						
Cash	\$ 466,244	\$ 117,573	\$ 2,577	\$ 17,656	\$ -	\$ 604,050
Cash equivalents	-	747,447	-	-	-	747,447
Total cash and cash equivalents	466,244	865,020	2,577	17,656	-	1,351,497
Receivables:						
Dues	44,513	-	-	-	-	44,513
Interest	919	9,301	-	-	-	10,220
Due from other funds	-	29,570	-	-	(29,570)	-
Other	7,308	-	-	-	-	7,308
Total receivables	52,740	38,871	-	-	(29,570)	62,041
Prepaid expenses	81,949	-	-	-	-	81,949
Total current assets	600,933	903,891	2,577	17,656	(29,570)	1,495,487
Non-current assets:						
Long-term investments	101,996	1,100,101	-	-	-	1,202,097
Security deposits	38,104	-	-	-	-	38,104
Property assets, net of accumulated depreciation and amortization	174,555	-	-	-	-	174,555
Total non-current assets	314,655	1,100,101	-	-	-	1,414,756
Total assets	\$ 915,588	\$ 2,003,992	\$ 2,577	\$ 17,656	\$ (29,570)	\$ 2,910,243

# FINANCIAL STATEMENTS

UTILITY WORKERS UNION OF AMERICA, AFL-CIO  
 LOCAL 1-2  
 Statement of Financial Position (Continued)  
 September 30, 2011

## LIABILITIES AND NET ASSETS

	General Fund	Defense Fund	Officers' Good and Welfare Fund	Political Action Fund	Eliminations	Total
<b>Current liabilities:</b>						
Accounts payable and accrued expenses	\$ 282,191	\$ -	\$ -	\$ -	\$ -	\$ 282,191
Liability for supplemental pension plan - current portion	7,052	-	-	-	(29,570)	7,052
Due to other funds	29,570	-	-	-	-	-
<b>Total current liabilities</b>	<b>318,813</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(29,570)</b>	<b>289,243</b>
<b>Non-current liabilities:</b>						
Liability for supplemental pension plan - non-current portion	383,446	-	-	-	-	383,446
Liability for deferred compensation plan	73,341	-	-	-	-	73,341
<b>Total non-current liabilities</b>	<b>456,787</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>456,787</b>
<b>Total liabilities</b>	<b>775,600</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(29,570)</b>	<b>746,030</b>
<b>Unrestricted net assets</b>	<b>139,988</b>	<b>2,003,992</b>	<b>2,577</b>	<b>17,656</b>	<b>-</b>	<b>2,164,213</b>
<b>Total liabilities and net assets</b>	<b>\$ 915,588</b>	<b>\$ 2,003,992</b>	<b>\$ 2,577</b>	<b>\$ 17,656</b>	<b>\$ (29,570)</b>	<b>\$ 2,910,243</b>

# FINANCIAL STATEMENTS

## UTILITY WORKERS UNION OF AMERICA, AFL-CIO LOCAL 1-2

### Statements of Activities

For the three months and nine months ended September 30, 2011

	Three Months				Nine Months							
	General Fund	Defense Fund	Officers' Good and Welfare Fund		Total	General Fund	Defense Fund	Officers' Good and Welfare Fund		Political Action Fund	Total	
			Welfare Fund	Political Action Fund				Welfare Fund	Political Action Fund			
<b>Revenue:</b>												
Dues and initiation fees	\$ 1,804,507	\$ -	\$ -	\$ -	\$ 1,804,507	\$ 5,489,190	\$ -	\$ -	\$ -	\$ -	\$ 5,489,190	
Interest and dividends	544	7,407	-	-	7,951	2,043	28,835	-	-	-	30,878	
Other	995	-	-	1,120	2,115	4,126	-	-	-	3,735	7,861	
<b>Total revenue</b>	<u>1,806,046</u>	<u>7,407</u>	<u>-</u>	<u>1,120</u>	<u>1,814,573</u>	<u>5,495,359</u>	<u>28,835</u>	<u>-</u>	<u>3,735</u>	<u>-</u>	<u>5,527,929</u>	
<b>Expenses:</b>												
Program services - member services	1,494,208	1,739	-	750	1,496,697	4,773,783	5,185	-	1,175	-	4,780,143	
Supporting activities - management and general	373,552	-	-	-	373,552	1,193,446	-	-	-	-	1,193,446	
<b>Total expenses</b>	<u>1,867,760</u>	<u>1,739</u>	<u>-</u>	<u>750</u>	<u>1,870,249</u>	<u>5,967,229</u>	<u>5,185</u>	<u>-</u>	<u>1,175</u>	<u>-</u>	<u>5,973,589</u>	
<b>Change in net assets</b>	<u>\$ (61,714)</u>	<u>\$ 5,668</u>	<u>\$ -</u>	<u>\$ 370</u>	<u>\$ (55,676)</u>	<u>(471,870)</u>	<u>23,650</u>	<u>-</u>	<u>2,560</u>	<u>-</u>	<u>(445,660)</u>	
<b>Unrestricted net assets:</b>												
Beginning of period						611,858	1,980,342	2,577	15,096		2,609,873	
End of period						<u>\$ 139,968</u>	<u>\$ 2,003,992</u>	<u>\$ 2,577</u>	<u>\$ 17,656</u>	<u>\$ 17,656</u>	<u>\$ 2,164,213</u>	

# FINANCIAL STATEMENTS

UTILITY WORKERS UNION OF AMERICA, AFL-CIO  
LOCAL 1-2  
(Supplementary Schedules)  
Schedules of Expenses

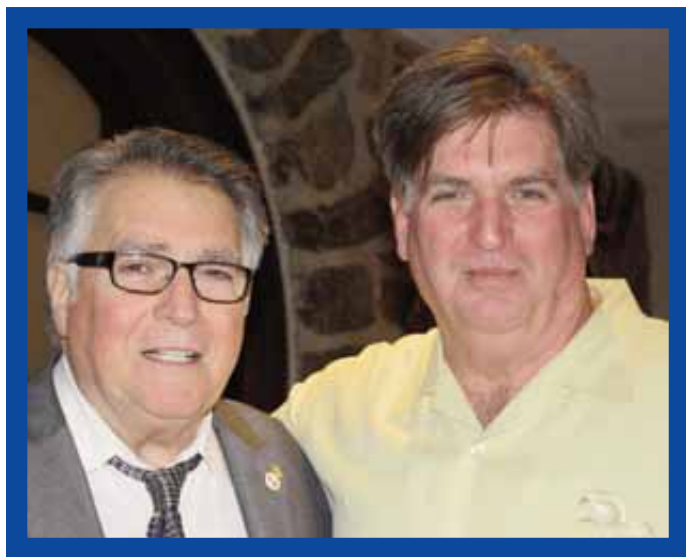
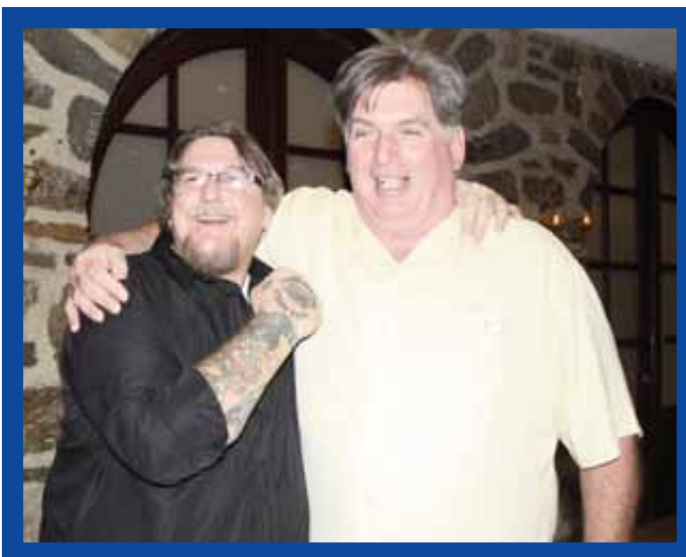
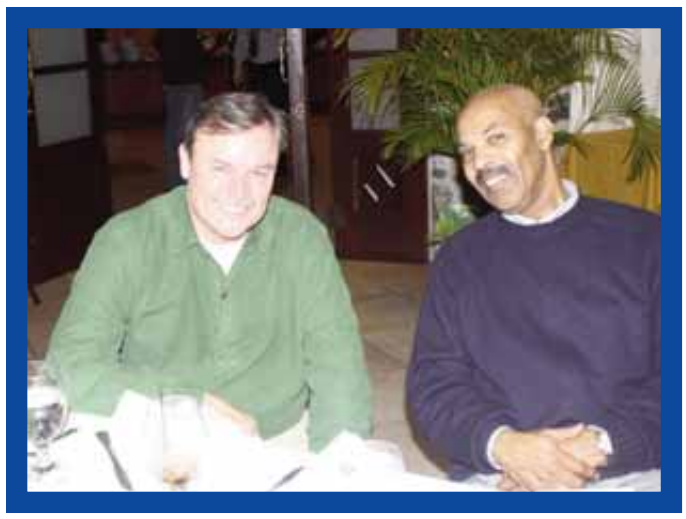
For the three months and nine months ended September 30, 2011

	Three Months					Nine Months				
	General Fund	Defense Fund	Officers' Good and Welfare Fund	Political Action Fund	Total	General Fund	Defense Fund	Officers' Good and Welfare Fund	Political Action Fund	Total
Salaries	\$ 580,175	\$ -	\$ -	\$ -	\$ 580,175	\$ 1,765,297	\$ -	\$ -	\$ -	\$ 1,765,297
Payroll taxes	43,898	-	-	-	43,898	140,287	-	-	-	140,287
Employee benefits	133,758	-	-	-	133,758	426,052	-	-	-	426,052
Business agents' expenses	46,670	-	-	-	46,670	136,063	-	-	-	136,063
Lost time wages	34,020	-	-	-	34,020	103,084	-	-	-	103,084
Executive board and other allowances	22,593	-	-	-	22,593	105,428	-	-	-	105,428
Per capita taxes:										
National union	470,797	-	-	-	470,797	1,424,638	-	-	-	1,424,638
Other	9,467	-	-	-	9,467	34,331	-	-	-	34,331
Automobile expenses	30,169	-	-	-	30,169	141,871	-	-	-	141,871
Meetings, conferences and negotiations	25,633	-	-	-	25,633	76,708	-	-	-	76,708
National Convention	706	-	-	-	706	164,578	-	-	-	164,578
Education, books and publications	4,991	-	-	-	4,991	16,777	-	-	-	16,777
Contributions, gifts and awards	38,831	-	-	750	39,581	81,397	-	1,175	-	82,572
Rent and utilities	48,803	-	-	-	48,803	214,536	-	-	-	214,536
Insurance	9,644	-	-	-	9,644	54,107	-	-	-	54,107
Repairs and maintenance	5,340	-	-	-	5,340	17,846	-	-	-	17,846
Computer expenses	21,544	-	-	-	21,544	31,872	-	-	-	31,872
Printing and postage	101,951	-	-	-	101,951	303,742	-	-	-	303,742
Telephone	9,790	-	-	-	9,790	34,538	-	-	-	34,538
Office supplies and expenses	19,735	-	-	-	19,735	31,632	-	-	-	31,632
Equipment rental	3,106	-	-	-	3,106	15,745	-	-	-	15,745
Depreciation and amortization	5,000	-	-	-	5,000	15,000	-	-	-	15,000
Professional fees:										
Legal	80,064	-	-	-	80,064	235,767	-	-	-	235,767
Accounting	26,667	-	-	-	26,667	97,500	-	-	-	97,500
Arbitration	20,625	-	-	-	20,625	66,725	-	-	-	66,725
Other	49,783	-	-	-	49,783	144,787	-	-	-	144,787
Legal settlement	1,484	-	-	-	1,484	5,217	-	-	-	5,217
Election expenses	12,000	-	-	-	12,000	55,500	-	-	-	55,500
Investment expenses	-	1,739	-	-	1,739	-	5,185	-	-	5,185
Lobbying fees	6,050	-	-	-	6,050	15,050	-	-	-	15,050
Other	4,466	-	-	-	4,466	11,154	-	-	-	11,154
<b>Total expenses</b>	<b>\$ 1,867,700</b>	<b>\$ 1,739</b>	<b>\$ -</b>	<b>\$ 750</b>	<b>\$ 1,870,249</b>	<b>\$ 5,967,229</b>	<b>\$ 5,185</b>	<b>\$ -</b>	<b>\$ 1,175</b>	<b>\$ 5,973,589</b>

# NOVEMBER MEMBERSHIP MEETING



# SENIOR BUSINESS AGENT ROBERT FARRELL RETIRES





**UTILITY WORKERS UNION OF AMERICA**  
**Local 1-2, Affiliated with AFL-CIO**  
5 West 37th Street, 7th Floor, New York, NY 10018



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# UNION MEETING



## LOCAL 1-2

**UTILITY WORKERS UNION OF AMERICA, A.F.L.- C.I.O.**

## **MEMBERSHIP MEETING**

**PLACE: THE HIGH SCHOOL OF FASHION INDUSTRIES**

**225 WEST 24TH STREET, NEW YORK, NY**  
**(BETWEEN 7TH & 8TH AVENUE)**

**DATE: THURSDAY, FEBRUARY 16, 2012**

**TIME: 6:15 P.M.**

**ADMISSION ONLY TO MEMBERS IN GOOD STANDING**  
**BY UNION CARD OR COMPANY I.D. CARD**

*Fraternally,*

*Lucia E. Pagano*

*Secretary-Treasurer*

**IT'S IMPORTANT**