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President

Elissa McBride
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Carla Insinga
Judicial Panel Chairperson

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June 4, 2025

JUDICIAL PANEL CASE NO. 25-032
Local 2620 Rerun Election Protests

GREETINGS:

Please find enclosed my decision in the above-referenced case.

In Solidarity,

Carla Insinga
Judicial Panel Chairperson

CL:spp

cc: Lee Saunders, President
Elissa McBride, Secretary-Treasurer
Cliff Tillman, Executive Director, Council 57
Walter Blair, Western Regional Director, O&FS
Megan Eierman, Western Assistant Regional Director, O&FS
Ling Esangga, AFSD
Eric Young, Appellant
Julissa Barton-Young, Appellant
Rochelle Brace, Appellant
Khristy Warch, Appellant
Eric Hernandez, Appellant
Amir Jafarinejad
Taarna Murray, Election Committee
Lidia Ramos, Election Committee

JUDICIAL PANEL CASE NO. 25-032
Local 2620 Rerun Election Protests

This case results from protests arising out of a rerun of a runoff election for the position of president in AFSCME Local 2620. Local 2620 is affiliated with California District Council 57.

The protests were filed by Eric Young, the unsuccessful candidate for the office of president in said election; election observers Julissa Barton-Young, Rochelle Brace and Khristy Warch; and Eric Hernandez, a member of Local 2620 and the northern vice president of Local 2620. Timely protests were filed with the Local 2620 Election Committee, and after receiving an unsatisfactory response at the local level, timely appeals were filed with the Judicial Panel.

The Judicial Panel assumed jurisdiction over the protests on May 5, 2025. The case was assigned to Judicial Panel Chairperson Carla Insinga for investigation and decision. After giving due notice to all parties concerned, an investigative hearing on the protests was held virtually on May 21, 2025, via Zoom.

THE PROTESTS

(See attached)

ELECTION RESULTS

(See attached)

REPORT OF THE INVESTIGATING OFFICER

Three protest appeals were filed with the Judicial Panel over the rerun of the runoff election for the position of president in AFSCME Local 2620. Each protest will be discussed separately.

ERIC YOUNG'S PROTEST

Brother Eric Young was a candidate for the position of president in the Local 2620 rerun of the runoff election for the position of president, which is the subject of this investigation. Brother Young alleges six violations to the elections code which, in his opinion, led to an unjust election. Each alleged violation included in his protest will be discussed separately:

1. Violation of Member Rights and Election Procedures – Failure to Provide 15-day Notice

Brother Young stated that according to the decision issued in Judicial Panel Case 24-075 *Local 2620 Election Protest*, the Local was required to rerun the runoff election for the position of president within forty-five days of the decision. He added that the notice would have had to be sent by February 12, 2025. Brother Young stated that, while the constitution does not require an email notification to be sent, it has been a practice of Local 2620 to send an email notification which then “triggers” the election is forthcoming. Brother Young further asserted that it is the responsibility of the election committee to mail the notice and to see that the notice is mailed on time, it is not the responsibility of a third-party vendor. He asserts that there is no proof that every member received a mailed notice at their last known address at least 15 days in advance of the election, and because

the election committee neglected its constitutional duty of providing proper notice, it disenfranchised voters.

2. Violation of the Constitution and Election Transparency Standards

Brother Young stated that, although the Local 2620 Constitution affords the president the right to appoint the election committee with the approval of the executive board, in his opinion it was improper to reconstitute the committee during the election cycle. He further asserted that the new appointees were not experienced and that the staff assigned to assist the election committee responded to his inquiries. He stated that the election committee members did not have a vested commitment to the task at hand and that only two committee members were facilitating the work of the entire committee. Brother Young recognized that several members resigned from the committee, but he felt that those who were appointed to replace those who resigned were influenced by and supported the seated president making the committee biased thereby tainting the credibility of the entire process.

3. Failure to Correct Known Irregularities and Ballot Order Bias

Brother Young stated that in the initial election his name was listed first on the ballot. However, in the runoff election the names were switched, and Brother Amir Jafarinejad's name was listed first. Brother Young stated that the decision that ordered the rerun of the runoff election addressed ballot positioning and noted that it is not proper to change the format which is consistent with what is listed in the AFSCME Local Union Election Manual. Brother Young further stated that, despite AFSCME's guidance the election committee acknowledged that the order of candidates' names on the rerun ballot was incorrect, yet they maintained it was consistent with the original runoff

election in which the order was flawed. He asserted that the improper positioning on the ballot violated AFSCME guidelines, introduced bias into the process, and undermined election neutrality.

4. Willful Disregard for International Orders and Mandates

Brother Young asserts that the Judicial Panel decision in Judicial Panel Case 24-075 required the rerun follow the same format as the original runoff election. However, the election committee repeated a previously disqualified, incorrect ballot order which demonstrates a disregard of the Judicial Panel's remedy.

5. Deliberate Interference with Election Officials and Processing

Brother Young stated that since this item of protest is like that of a protest item filed by the election observers, he would yield to them. He did, however, note that Khristy Warch was his election observer in the runoff election. In the instance of the rerun of the runoff election, he was surprised to receive the notice that voting was open, and no advance notice was given to allow candidates to identify observers.

6. Misuse of Union Leave During the Election

Brother Young stated that throughout the election cycle President Amir Jafarinejad was on executive board approved union leave which permitted him to travel the state and engage with members during work hours, but he (Young) as his opponent was not afforded the same time or access. Brother Young stated that the Local's contract expires at the end of June and as the seated president, Brother Jafarinejad is involved in engaging members over the bargaining process. However, Brother Young felt that his leave should have been rescinded, or he (Young) should have been afforded the same opportunities

and resources as the incumbent candidate, otherwise Brother Jafarinejad used union resources and had unequal access to members which allowed him more opportunities to campaign.

Brother Amir Jafarinejad spoke in opposition to Brother Young's protest. Regarding protest item 1, Brother Jafarinejad stated that an email was sent to the membership on February 21, 2025, alerting them that voting was open, and the official mailing followed. He stated that the election committee would be able to provide a detailed timeline of election related mailings and voting. Regarding protest item 2, Brother Jafarinejad stated that changes to the election committee were made on January 10, 2025, prior to the notification that a rerun election was ordered. He further stated that he could have made appointments to the committee in December, but he waited until after the runoff election was complete. He stated that he did not remove anyone from the election committee; people voluntarily dropped off the committee and he appointed replacements. He denied that appointees were direct supporters or biased; he appointed people who were willing to serve on the committee and do the work. Brother Jafarinejad offered no comment to protest items 3 and 4 and offered that they would be best addressed by the election committee. Regarding protest item 5, he indicated that while he had the opportunity to identify an observer he chose not to because the election was handled by a third-party election vendor. Finally, regarding protest item 6, Brother Jafarinejad stated that as president it is his duty to notify members of the bargaining process, and that in addition to the Local conducting a membership survey he and the entire bargaining team went across the state to talk with members about what is going

on in their respective worksites. He stated that it is the normal course of work of the president, and he received executive board approval to take union leave to do the work.

JULISSA BARTON-YOUNG, ROCHELLE BRACE & KHRISTY WARCH'S PROTEST

Sisters Julissa Barton-Young, Rochelle Brace, and Khristy Warch were designated observers for Brother Eric Young in the Local 2620 rerun of the runoff election for the position of president. Sisters Barton-Young, Brace, and Warch allege four violations to the code of conduct which, in their opinion, led to an unjust election. Each alleged violation included in their protest will be discussed separately:

1. Failure to Provide Timely Notification and Guidance to Observers

Sister Barton-Young stated several attempts were made to obtain direction on how to execute their roles and responsibilities as observers, but rather than being given directions from the election committee they were referred to the AFSCME Local Union Election Manual and the Department of Labor's website. Sister Warch stated that she did not know that a manual existed until she was told by the election committee. After reviewing the manual, she had additional questions which she sent in a detailed email to the election committee, but she did not receive a response. When asked, Sister Warch clarified that she and Sister Barton-Young served as observers in the runoff election held in December and the rerun of the runoff election, and that Sister Brace served as an observer in the rerun of the runoff election.

Sister Barton-Young stated that there was no advance notice of the election's timeline, and they were not aware that the process had begun until receiving the notice that voting was open.

2. Obstruction of Observer Rights and Access

The protestants stated that because they were not given advance notice of the election timeline for the rerun of the runoff election, they were not able to review the list of eligible voters in order to challenge anyone who they believed was no longer eligible to vote due to promotions or no longer being a member. Sister Barton-Young stated that although they did not specifically request a list of eligible voters in the initial runoff election or the rerun of the runoff election, she did ask if there was anything she was entitled to or needed to be privy to during the election and she was told that it was a secret-ballot election and that she was not entitled to the list due to Health Insurance Portability and Accountability Act (HIPAA) regulations. She asserted that it is the observer's right to know the identity of who is voting; how they voted is where confidentiality comes in and that is not what they were asking for. Sister Warch stated that voters received an email that contained a link and a code. Once you opened the link and entered your code you were able to make your selection and submit it electronically. Alternatively, you could request another means of voting. When the votes were tallied, they did not get to see the tabulation of the votes, only the total number of votes cast for each candidate. The Zoom observation consisted of a man walking around the room with his camera. Considering the above, they believe their rights as observers were denied.

3. Denial of Meaningful Ballot Tabulation Observation

Sister Barton-Young stated that the observers were not allowed to see the real-time tabulation of the ballots during the count; the final numbers of the two candidates were projected to the screen from a file that was opened by the staff, not the election committee.

4. Issuance of Duplicate Ballots

Sister Warch stated that there was no process in place to detect or prevent double voting. She stated that she serves as the Local 2620 secretary and as an elected officer she (and all five executive board members) has a union email as well as her personal email address. She received a ballot at her personal email address as well as her executive board email account. Because she never received a list of eligible voters she does not know if all five executive board members received a duplicate ballot or if they cast a duplicate ballot; she did not cast a duplicate ballot. She believes that this compromised the integrity of the election.

Brother Amir Jafarinejad and Brother Eric Hernandez spoke in opposition to protest item 3 presented by Sisters Barton-Young, Brace and Warch. Brother Jafarinejad stated that the executive board approved YesElections as the vendor; the Local has worked with this vendor in the past, so they are familiar with the process. He further stated that there was no evidence that duplicate ballots were counted, and YesElections confirmed that no duplicate ballots were cast or counted.

Brother Hernandez stated that the membership list of eligible voters was received from Council 57 and that is the list that was used to distribute ballots and communications around the election. Brother Hernandez stated that there were errors detected on the membership list, and he worked with Council 57 to correct email addresses. He stated that former secretary Janelle Fisher listed her union email address as her personal email address, and that when this error was detected, it was corrected.

ERIC HERNANDEZ'S PROTEST

Brother Eric Hernandez, a member of Local 2620 and the northern vice president alleges two violations to the elections code which, in his opinion, led to an unjust election. Each alleged violation included in his protest will be discussed separately:

1. Misuse of Employer Resources for Campaigning

Brother Hernandez stated that on February 26, 2025, he, a Council 57 business agent, and a Local 2620 shop steward were visiting with a member at the Pelican Bay State Prison and during the site visit the member informed them that he had just taken a call from Brother Eric Young. Further inquiries revealed that Brother Young stated that he was running for president, and that the election was underway. He further stated that Brother Young placed the call to the member during work hours, to a state telephone number. Brother Hernandez asserted that placing a call to a work phone during work hours is a use of an employer resource.

2. Deliberate Misinformation Campaign

Brother Hernandez stated that Brother Young sent two emails that contained false information regarding the rerun election. He stated that the emails sent by Brother Young on February 10, 2025, and March 9, 2025, made false claims that the rerun election was a result of corruption and cheating of which neither were found in the investigation that resulted in the order of the rerun election.

Brother Hernandez included other allegations pertaining to financial burdens the filing of protests by Brother Young has had on Local 2620 and violations of steward responsibilities that are not relevant to the Elections Code and are therefore not included in this decision.

Brother Jafarinejad spoke in support of Brother Hernandez's protest item 2. He stated that at the January onboarding meeting Brother Young shared with him the emails that he intended to distribute. The emails contained negative information about Jafarinejad and another executive board member. He told Brother Young that he thought the emails were disrespectful.

After hearing the facts presented and further review of the evidence provided, the undersigned renders the following decision. Each protest item will be discussed separately by protestant.

ERIC YOUNG'S PROTEST

1. Violation of Member Rights and Election Procedures – Failure to Provide 15-Day Notice

In item 1 of his protest Brother Young asserts that the election committee was negligent in its duties because it relied on a third-party vendor to mail the notice of elections rather than mailing the notice itself. He further asserts that not every member received a mailed notice at their last known address at least 15 days in advance of the election.

Appendix D – Elections Code, Section 2D of the International Constitution and Article X, Section 3 of the Local 2620 Constitution make clear that, "Not less than fifteen days prior to the holding of nominations for local union officers, a notice of the nominations and elections shall be mailed to each member at the member's last known home address." The AFSCME Local Union Election Manual states that, "If the nomination notice did not announce the election, an additional notice must be given." In

this instance it was a rerun of the runoff election, therefore additional notice would be required.

An election timeline provided by the election committee shows that an email was sent to members on Friday, February 21, 2025, indicating that voting was open. Subsequently, the notice of elections was mailed to members' last known address on Monday, February 24, 2025. Both indicated that voting would close on March 17, 2025. The election committee confirmed in an email to the investigating officer following the hearing that the email which announced the beginning of the election was sent on Friday February 21, 2025, and the notice of the election was mailed on Monday February 24, 2025, due to time zone differences between where the election vendor is located and where Local 2620 is located. Regarding the notice of elections, page 11 of the AFSCME Local Union Election Manual states that, "If the voting itself is to be done by mail, or by use of an electronic voting system, the notice may be included in the mailing of the ballot or electronic materials." In reviewing the evidence submitted and the Local Union Election Manual the conclusion is drawn that proper notice of the election was not given to the members. The mailed notice of elections was mailed to the membership after members were given the ability to vote electronically. In utilizing an electronic voting system, it is still required that a mailed notice precede or directly coincide with the beginning of an election. This item of protest is upheld.

2. Violation of the Constitution and Election Transparency Standards

In item 2 of his protest Brother Young asserts that it was improper for Local 2620 President Amir Jafarinejad to appoint new members of the election committee during an

active election cycle. He further asserted that the appointees were inexperienced, and most of the committee members were uncommitted, and biased to President Jafarinejad as a candidate. He stated that staff were responding to his inquiries rather than election committee members.

Brother Jafarinejad stated that changes to the election committee were made on January 10, 2025, prior to the announcement that the runoff election was to be reran. He stated that he did not remove anyone from the election committee, people voluntarily dropped off and he appointed replacements with approval of the executive board. He denied that appointees were biased supporters of him as a candidate and asserted that he appointment members who were willing to serve.

Section 2D of the Elections Code contained in the International Constitution states that, "An Election Committee shall be established and shall have general responsibility for the conduct of the election in accordance with this Constitution and the constitution of the subordinate body." Further, Article VI, Section 1 - Duties of Elected Representatives, of the Local 2620 Constitution states in relevant part, "S/he (the president) shall appoint all standing and ad hoc committees, subject to the approval of the executive board . . ." By his own admission, Brother Young recognized that the Local 2620 Constitution affords the president the right to appoint the election committee with the approval of the executive board. This item of protest is dismissed.

3. *Failure to Correct Known Irregularities and Ballot Order Bias*
4. *Willful Disregard for International Orders and Mandates*

Protest items 3 and 4 both assert errors in the preparation of the ballot and have been combined. Brother Young stated that in the initial election his name appeared first on the ballot for the office of the president. However, in the runoff election the names were switched, and Brother Jafarinejad's name was listed first on the ballot. Brother Young stated that the decision in Judicial Panel Case 24-075 *Local 2620 Election Protest* addressed ballot positioning. The decision noted that it is not proper to change the format as provided in the AFSCME Local Union Election Manual. He asserted that despite the Judicial Panel's decision, the election committee failed to correct the position of the names on the ballot.

The decision in Judicial Panel Case 24-075 *Local 2620 Election Protest* did not make a ruling on ballot positioning because the issue was not part of Brother Young's original protest. The decision advised the election committee to refer to the AFSCME Local Union Election Manual as a point of reference for the proper ordering of a ballot.

Regarding the positioning of candidates in the preparation of ballots, the AFSCME Local Union Election Manual states it ". . . is not proper is to change from the method used previously to a new method after the nominations have taken place. If a change from one method to another is desirable, the new procedure should be approved by membership vote (or announced by the election committee) before the nominations begin." Regarding the positioning of candidates on the ballot in a runoff election, the AFSCME Local Union Election Manual states in part on page 22, "The ballot for the runoff election will contain two names for each office to be filled. For a single-post office,

such as president, this simply means listing the two candidates who ran first and second in the original election.” The names that appear on run-off election ballots should order the candidates by votes received in the initial election. Upon reviewing the election results for the original election, Brother Young received the most votes and therefore should have appeared first on the runoff ballot. The election committee should have heeded the investigating officer’s recommendation in Judicial Panel Case 24-075 and complied with the directions in the election manual. This item of protest is upheld.

5. Deliberate Interference with Election Officials and Processing

Brother Young stated that this item of protest is like that of a protest item filed by the election observers, and he yielded to them. Therefore, it will be addressed later in this decision.

6. Misuse of Union Leave During the Election

In protest item 6 Brother Young claims that President Jafarinejad used union funds and resources when traveling the state and engaging members during work hours on union leave approved by the local executive board. Brother Young stated that he was not afforded the same opportunity or resources, and he felt Brother Jafarinejad’s executive board-approved leave should have been rescinded.

Brother Jafarinejad stated that the purpose of his traveling across the state to meet with members was to notify them of the bargaining process for upcoming contract negotiations and identify workplace issues. He also added that he was accompanied by other members of the Local’s bargaining team and that this is his duty as president. He confirmed that he was on union leave approved by the executive board.

While Section 1A of the Elections Code states, "No fund or other resources of the Federation or of any subordinate body, and no funds or resources of any employer, shall be used to support the candidacy of any member for any elective office within the Federation or any subordinate body," the undersigned is not convinced that union resources were used for the purposes of campaigning. Even by Brother Young's own admission, the Local's contract expires at the end of June and Brother Jafarinejad is involved in the process of engaging members over the bargaining process. There was no testimony or evidence presented to prove that campaigning had occurred, and had it occurred, it would be considered incidental to the purpose of his onsite meetings with members. This item of protest is denied.

JULISSA BARTON-YOUNG, ROCHELLE BRACE & KHRISTY WARCH'S PROTEST

- 1. Failure to Provide Timely Notification and Guidance to Observers***
- 2. Obstruction of Observer Rights and Access***

Protest items 1 and 2 both assert violations of observers' rights and have been combined. In protest item 1 Sister Barton-Young, Brace, and Warch assert that the election committee failed to give them direction on their roles and responsibilities as observers and when asked for guidance they were directed to the AFSCME Local Union Election Manual and the Department of Labor website. In protest item 2 they declare that because they did not receive advance notice of the election timeline for the rerun of the runoff election, they were not able to review the list of eligible voters and not able to challenge anyone who they believed to be ineligible to vote. They were also denied access to who cast ballots in the election. Collectively they believe they were denied their rights as observers.

Section 2J of the Elections Code provides that any candidate whose name is to appear on a paper, screen or electronic ballot has the right to have an official observer. In this election the protestants served as observers for Brother Eric Young.

During the investigative hearing it was made clear to the undersigned that the AFSCME Local Union Election Manual, which serves as a supplemental resource manual to the Elections Code contained in Appendix D of the International Constitution, was made available to the observers by the election committee. On February 10, 2025, the election committee sent an email blast to the membership announcing that the Judicial Panel had ordered a rerun of the runoff election; a copy of the election manual was included with the email. Although Sister Warch asserted that she emailed the election committee requesting information and the election committee failed to respond, emails provided by Sister Warch following the investigative hearing show that she did receive a response. On March 1, 2025, Sister Warch emailed the election committee seeking information. On March 4, 2025, the election committee responded to her email and directed her to the AFSCME Local Union Election Manual referenced as an attachment to their email. The rights of the observers are contained in the election manual; it becomes the responsibility of the observer to exercise their rights.

The right to inspect a list of eligible voters and a list of voters in the election, and the right to request information of the election vendor were not effectively exercised on the protestants' part. Upon receiving a request by observers to inspect an eligible voter membership list or a list of members who voted in an election an election committee must take necessary steps to make said lists available for inspection. The term "inspection"

would not include turning over a list to the requesting observer but rather affording them a place and time to review the lists.

The undersigned further finds that all members were aware that the election was directed to be reran, including the candidates who identified observers. And this information was known prior to the election's beginning in part due to the election committee's February 10, 2025, email to the membership.

Protest items 1 and 2 are denied.

3. Denial of Meaningful Ballot Tabulation Observation

Regarding protest item 3, during the investigative hearing, Sister Barton-Young stated that the observers were not allowed to see a real-time tabulation of the ballots during the count; only the final numbers of the two candidates were projected to the screen. It was further stated that the Zoom observation of the ballot count consisted of a man walking around the room with a camera.

In accordance with Section 2J of the Elections Code observers have the right to be present in the room where ballots are being counted. However, when an election is conducted electronically the observer's role is performed differently. The Judicial Panel has held that with electronic voting systems the observers are not able to observe the actual tallying of the ballots as in a traditional paper-ballot election because the ballots are tallied electronically. In this instance, the observers joined the tallying of votes via Zoom and the tallied numbers were posted to the screen. This meets the requirement provided for in the election manual. This item of protest is dismissed.

4. Issuance of Duplicate Ballots

In protest item 4, Sister Warch stated that there was no process in place to detect or prevent double voting. She stated that she received electronic voting information at two email addresses associated with her name, her personal email address and her Local 2620 executive board email address. She asserted that because she never received a list of eligible voters as a candidate's observer, she does not know if other duplicate electronic ballots were sent out or cast.

Brother Eric Hernandez stated that the Local was aware of some errors in membership emails on the list of eligible voters received from Council 57. He stated that the email that Sister Warch received at her Local 2620 email account was intended for a former local secretary who had listed the executive board email as her personal email address. He further stated that he worked with Council 57 to make corrections to the list. Brother Jafarinejad stated that YesElections confirmed that no duplicate ballots were cast or counted.

The Judicial Panel recognizes that no membership list is ever one hundred percent accurate. In this instance, the duplicate ballot that Sister Warch received was intended for another member who used the local's executive board email address as their personal email address. The error was detected and corrected. Sister Warch did not cast a duplicate ballot. The election vendor confirmed through safeguards that they have in place that no duplicate ballots were cast or counted. This item of protest is dismissed.

ERIC HERNANDEZ'S PROTEST

1. Misuse of Employer Resources for Campaigning

In item 1 of his protest Brother Hernandez alleges that Brother Young placed a call from a state phone number to a member during the member's regular hours of work and told the member that the election was underway, and he was running for president. Brother Hernandez asserts that in doing so he misused employer resources for the purpose of campaigning.

Section 1A of the Elections Code states, "No fund or other resources of the Federation or of any subordinate body, and no funds or resources of any employer, shall be used to support the candidacy of any member for any elective office within the Federation or any subordinate body." There was insufficient detailed evidence presented to support this allegation. Therefore, this item of protest is dismissed. It is noted that this activity if proven, would be a violation of the above provision.

2. Deliberate Misinformation Campaign

Brother Hernandez stated that Brother Young sent two emails that contained false information regarding the rerun election; the emails claimed that the rerun election was a result of corruption and cheating of which neither were found in the investigation that resulted in ordering the rerun election.

Brother Jafarinejad stated that Brother Young shared the emails with him in advance of distributing them and that the emails contained negative information about himself and another executive board member. He thought the emails were disrespectful.

The AFSCME Bill of Rights for Union Members protects members' rights to free speech concerning the operations of our union. Outside of it being prohibited to use funds, resources or publications of the union during the election process, the Elections Code in Appendix D is silent on negative, untruthful or disrespectful campaigning. This item of protest is denied.

Brother Hernandez included other allegations pertaining to financial burdens the filing of protests by Brother Young had on Local 2620 and violations of steward responsibilities that are not relevant to the Elections Code and are therefore not included in this decision.

DECISION

Brother Eric Young's protest items 1, 3 and 4 are upheld. Local 2620 is ordered to conduct a rerun of the runoff election for the office of president within forty-five (45) days of this decision under the supervision of the International Union.

Sisters Julissa Barton-Young, Rochelle Brace and Khristy Warch's protest is denied in its entirety.

Brother Eric Hernandez's protest is denied in its entirety.

June 4, 2025
Harrisburg, PA

Carla Insinga
Judicial Panel Chairperson
AFSCME, AFL-CIO

Young Election Protest Appeal



Submission of Formal Appeal – Rerun of Runoff Election, Local 2620 Presidential Election

From Mr Young <ey2620@gmail.com>

Date Fri 4/25/2025 3:01 PM

To Shaun Plum <SPlum@afscme.org>; Andrew Matus <AMatus@afscme.org>

1 attachment (565 KB)

Rerun Election Appeal 4.2025.pdf;

This message is from an external sender.

Greetings,

I am submitting the enclosed formal appeal concerning the rerun of the runoff election for the office of President of AFSCME Local 2620, conducted in February thru March 2025 as ordered by the Judicial Panel, January 2025.

The attached appeal outlines five specific charges, including but not limited to numerous procedural failures, each supported by documented evidence and precedent. My remedies are included therein.

Please confirm receipt of this submission. I am available to provide any further supporting documents or clarification the Panel may require in advance of the hearing.

Thank you for your time, consideration, and commitment to protecting the integrity of union elections.

Respectfully submitted,
Eric Young
AFSCME Local 2620

Friday, April 25, 2025

Greetings Judicial Panel,

This correspondence serves as my formal appeal of the Election Committee (EC) findings and decisions regarding the rerun of the runoff election for the office of President of Local 2620. As a member in good standing, I submit this appeal in accordance with the AFSCME International Constitution, Appendix D, Section 4, which affords members the right to appeal election decisions that adversely affect their standing or that demonstrate violations of fair and democratic election practices.

This appeal draws upon relevant AFSCME Judicial Panel precedent and constitutional authority, and is supported by the following sections:

Charge 1: Violation of Member Rights and Election Procedures – Failure to Provide 15- Day Notice

- The EC relied on a third-party vendor, YesElections, to fulfill its constitutional duty to notify members.
- There is no independently verified proof that every member received mailed notice at their last known address at least 15 days in advance of the election.
- The AFSCME Constitution and Local 2620 Constitution are clear: notice must be mailed by the Election Committee, not merely delegated to a vendor without accountability.
- The EC had ample opportunity to physically meet and send notices itself, but failed to ensure this core responsibility was met.

By neglecting its constitutional duty to guarantee proper notice, the EC disenfranchised voters and fundamentally undermined the legitimacy of the electoral process. Not accepting responsibility in the failure to meet this basic obligation calls into question the legitimacy of the election and violates Appendix D and Local 2620 Constitution Article X, Section 3.

Charge 2: Violation of the Constitution and Election Transparency Standards

- The EC was reconstituted during a highly sensitive and remedial election period. Key members, removing the experienced former chair, and replacing her with bias influenced members in the role of chair were appointed by the President and raising conflict-of-interest concerns.
- There is no documentation of vetting, conflict disclosures, or neutrality protections.
- Appointed a new committee during an election wherein he was a candidate.
- Exerted influence in violation of standard election impartiality.

This pattern appears in both the original runoff protest and the rerun protest, with specific concern that these changes enabled biased election administration. The reconstitution of the EC during a contested election—without transparency or safeguards—created the appearance and likely reality of bias, thereby tainting the credibility of the entire process. This calls into question the integrity and conduct of the election administration.

Charge 3: Failure to Correct Known Irregularities and Ballot Order Bias

- The Election Committee acknowledged that the order of candidate names on the rerun ballot was not properly corrected, despite AFSCME guidance requiring consistency in format and sequence from the original election.
- Judicial Panel precedent, along with the AFSCME Election Manual (p. 13), states: "What is not proper is to change from the method used previously to a new method after the nominations have taken place."
- Although the EC stated it believed it was maintaining consistency, the record shows the original order was already flawed and was repeated without correction.
- The EC further admitted that ballot order can influence outcomes by 3–10% and deferred judgment on the significance of this error to the Judicial Panel.

This failure not only violated established AFSCME guidelines but also introduced a measurable and admitted bias, compromising the integrity of the election and warranting its nullification. This admitted procedural failure constitutes a direct violation of the AFSCME Election Manual and undermines election neutrality.

Charge 4: Willful Disregard for International Orders and Mandates

- The Judicial Panel's directive (January 31, 2025) required that the rerun follow the same format as the original runoff.
- The EC's rerun repeated a previously disqualified format which included the incorrect ballot order.
- This demonstrates a disregard of both the intent and the specific terms of the Judicial Panel's remedy.

The EC's actions failed to comply with a direct mandate from AFSCME International, justifying Judicial Panel intervention. The blatant disregard for the Judicial Panel's directive demonstrates contempt for AFSCME International authority and sets a dangerous precedent if left uncorrected.

Charge 5: Deliberate Interference with Election Officials and Processes

- Observers were not properly notified of voting and tabulation periods, in contradiction with the AFSCME Election Manual (pp. 33–34).
- At least one observer received duplicate ballots, and several members were denied ballots due to incomplete processing, despite attempts to verify their eligibility.
- Rather than taking responsibility, the EC blamed members and vendors for failures that fall under its oversight.

These cumulative failures in basic election oversight, including disenfranchisement and observer obstruction, reflect a breakdown in fair process that must be corrected to restore

member trust. These actions represent a failure to ensure transparency, accuracy, and impartiality in the voting process.

Additional Concern: Misuse of Union Leave During the Election

Throughout the contested election period and Judicial Panel-ordered rerun, the seated president, Brother Amir Jafarinejad, remained on union leave. This granted him full-time access to travel the state, present himself as the President of Local 2620, and engage with members during work hours.

Meanwhile, as a challenger, I was not afforded similar access or opportunity to engage with the membership during working hours.

Brother Jafarinejad's unrestricted access to union-paid time, member worksites, and union-sponsored visibility created a severe and unlawful advantage, in violation of the AFSCME Local Union Election Manual's prohibition against the use of union resources to campaign. This imbalance further compromised the fairness of the election process and denied members a truly free and equal choice.

Given this misuse of union leave in the context of a contested and procedurally flawed election, I respectfully ask the Judicial Panel to weigh this serious inequity when considering the appropriate remedy.

Requested Remedy:

1. Given his supervisory role and pattern of complicit behavior, including failure to remedy known violations resulting in financial impact to the Local, I am requesting the disqualification of Brother Jafarinejad, a fifth year, third term in office in an elected position, a Steward, former Pharmacist Occupational Chair and Trustee with 8 years serving on the Executive Board, for his complicit role in the ongoing violations with the inability to hold an elected seat within Local 2620.
2. Brother Jafarinejad be suspended immediately due to the repeated and proven actions:
 - Willful interference with the election process.
 - Ongoing violation of member rights.
 - Defied the Panel's previous order.
 - Acted in a manner inconsistent with democratic practices.
 - Appointed or influenced biased EC members
 - Manipulating a Panel-directed rerun
 - Allowing procedural failures to continue after a Judicial Panel ruling
3. The March 2025 rerun of the runoff election for President of Local 2620 be set aside and a new rerun election be ordered and conducted under AFSCME International or Council 57 supervision.

AND

The new election:

- Uses a corrected and properly sequenced paper ballot;
- Ensures 15-day notice is mailed directly by the EC, with confirmation;

- Guarantees observer rights throughout all election phases;
- Includes a fully neutral, vetted Election Committee.

These remedies are necessary not only to uphold the constitutional rights of members but to restore confidence in the democratic processes of our union.

Given the overwhelming pattern of constitutional violations, I respectfully request the expedited consideration of these remedies to restore member confidence and protect the integrity of Local 2620.

Thank you for your time and consideration.

In Unity,

Eric Young
AFSCME Local 2620

Greetings Local 2620 Elections Committee,

This email serves as a formal protest to the conduct of the rerun of the runoff election as ordered by AFSCME Judicial Panel. Numerous violations were alleged and upheld by AFSCME Judicial Panel resulting in an order to rerun the runoff election for the seat of Local 2620 President. Once again, several charges are listed below and are not limited to what has been presented.

This protest is afforded to me as a member in good standing.

AFSCME International Constitution 2024, Appendix D, Section 4, Paragraph B, states:

"Any protest concerning the conduct of the election may be lodged at the meeting at which the election is conducted or by filing such protest in writing with the subordinate body or the Election Committee within ten days following the election. All interested parties shall be afforded an opportunity to be heard."

The following outlines alleged violations that occurred during the Re-run of the Runoff Election for Local 2620 President.

The documents violated include but are not limited to: AFSCME International Constitution, AFSCME Local Election Manual, AFSCME Local 2620 Constitution and AFSCME Member Bill of Rights.

Summary of Charges

Charge 1 - Violation of Member Rights and Election Procedures

No proper 15-day notice of nominations and elections was mailed to members as required by the International Constitution, Local 2620 Constitution, and AFSCME Election Manual. Brother Eric Young's experience with the lack of timely and proper notification further supports this charge.

This notice must be "mailed to each member at the member's last known home address" at least 15 days before the election date. It should state the date, time, and place/manner of the voting and should, in addition, indicate which offices are to be voted on and, if possible, list the candidates.

Timeline of events:

- Jan 31, 2025 at 1:16 PM – Decision provided by Judicial Panel sent to Appellant and EC.
- Feb 2, 2025 at 4:05 PM – Clarification of timeline sought by Eric Young to Andrew Matus.
- Feb 3, 2025 at 7:34 AM – Answer provided by Andrew Matus to Eric Young and the EC
- Feb 3, 2025 at 9:30 AM – Reached out to AFSCME International to confirm rules regarding rerun. Advised "the same format as the runoff election is to be followed."
- Feb 3, 2025 at 4:10 PM – 1st attempt to confirm understanding of order with the EC.
- Feb 5, 2025 at 4:09 PM – 2nd attempt to confirm understanding of order with the EC.
- Feb 6, 2025 at 10:06 PM – President Amir Jafarinejad identified the current committee members and that he appointed them.
- Feb 5, 2025 at 6:56 PM – Council 57 staff assigned to the EC forwards a response, on behalf of the EC, acknowledging the election will conclude on March 17th.
- Feb 10, 2025 at 11:03 AM – An advisory eblast is received from the AFSCME Local 2620 Elections Committee. Not to be construed as an official notice of election per the AFSCME Election Manual.

- February 21, 2025 – No postmarked correspondence received at all, from AFSCME Local 2620 EC regarding the election.
- March 17, 2025 - Voting should end and results announced per the order.

No proper 15-day notice of elections was sent via email or postal mail.

Charge 2 - Violation of the Constitution and Election Transparency Standards

The seated president violated constitutional mandates by removing a seasoned election chair without cause and appointed inexperienced supporters during an election—compromising the administration of the election. The president's direct influence over the process by way of appointing supporters, while a candidate, not only created an inherent conflict of interest but resulted in repeated procedural failures. The Election Committee has acknowledged these violations, substantiating the charge.

The Election Committee has acknowledged these violations, substantiating the charge. For instance, the previously submitted protest by Brother Young, highlighted the lack of transparency and consistency in the election process, which was exacerbated by changes in the Election Committee's membership and leadership.

Charge 3 - Failure to Correct Known Irregularities and Ballot Order Bias

As advised by AFSCME Judicial Panel in a previous appeal, "What is not proper is to change from the method used previously to a new method after the nominations have taken place. If a change from one method to another is desirable, the new procedure should be approved by membership vote (or announced by the election committee) before the nominations begin"

Despite advisement from the Judicial Panel to avoid manipulation of ballot name order, the same altered order from the disqualified election was maintained. This demonstrates a willful disregard for recommendations intended to prevent further bias. The Judicial Panel's guidance on maintaining consistent ballot ordering was not followed, which could have influenced the election outcome.

Charge 4 - Willful Disregard for International Orders and Mandates

After the International Union issued a corrective order and mandated a rerun election, the president continued to influence the process, subverting the purpose of the International directive. This undermined the democratic remedy intended by the International Union and represents a deliberate failure to comply with higher authority. The Judicial Panel's decision to rerun the election due to violations during the runoff highlights the need for adherence to International directives.

According to AFSCME instruction, "the rerun of the runoff election is to be facilitated following the same format as the previous election." Several aspects of the rerun were not adhered to in alignment with the directive from AFSCME International.

Charge 5 - Deliberate Interference with Election Officials and Processes

The removal and replacement of experienced election officials by Brother Amir Jafarinejad, in coordination with election activities, amounts to interference with the lawful duties of others tasked with administering an impartial election. Such manipulation subverts member trust and violates election integrity. The president's actions, as detailed in previous protest submitted by Brother

Young, demonstrate a pattern of interference that compromised the election's fairness.

The authority to appoint without necessity raises important concerns, particularly during a mandated rerun. This situation creates substantial challenges and unwarranted complications for newly appointed election officials.

Additionally, this election exhibited inconsistencies and procedural omissions that compromised the integrity of a fair and democratic process. The instance where a member received two ballots, potentially enabling multiple votes by one individual, highlights a deviation from the established election protocols and violates language in the AFSCME Election Manual. It is likely that there are additional occurrences similar to this. This is one of several procedures that should have been followed, including thorough vetting of voter rosters by the election committee.

The improper inclusion of observers in the facets of the election process to which they are entitled is indicative of significant neglect towards ensuring a fair and democratic election. Two observers who were enlisted for this election were excluded from all checks and balances systems. This exclusion prevented them from verifying the adherence to fair or democratic procedures and from exercising their rights as observers. All challenges to any voters eligibility should have been made prior to a vote. This was not possible due to the observers not being made aware of a vote until AFTER voting began, thereby compromising any opportunity to encourage a fair election.

Ultimately, even when members adhered to the recommended procedures for exercising their voting rights, they were unsuccessful. Members requested ballots, which were not provided, resulting in their inability to vote. Regrettably, this is not an isolated occurrence.

Due to the compromised nature of the election and the evident violations of multiple fair election procedures yet again, I respectfully request that the Judicial Panel seat candidate, Eric Young, as the duly elected officer.

Requested Remedies:

1. Immediate Investigation and Formal Hearing by the Judicial Panel
2. Official Finding of Guilt under Sections A, F, and J of the Judicial Panel Charge Guidelines
3. Removal of seated President Amir Jafarinejad from Office
4. Revocation of Future Eligibility to hold any union position by Amir Jafarinejad
5. Direct Administration of Any Future Election by the AFSCME International Union or Council 57—not a local or third-party body

Respectfully Submitted,

Brother Eric Young

Barton-Young, Warch, and Brace
Election Protest Appeal

Andrew Matus

From: Shaun Plum
Sent: Sunday, April 27, 2025 9:48 PM
To: Carla Insinga; Andrew Matus
Subject: Fw: Observer Appeal - Local 2620 Runoff Election
Attachments: Observer appeal -Local 2620.pdf

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

From: J Barton <jaebarton11@gmail.com>
Sent: Sunday, April 27, 2025 9:41:45 PM
To: Shaun Plum <SPlum@afscme.org>
Cc: R Brace <rlybrace@gmail.com>; Khristy Warch <khristywarch@gmail.com>; J Barton <jae.barton11@gmail.com>
Subject: Observer Appeal - Local 2620 Runoff Election

This message is from an external sender.

Dear Mrs. Plum,

On behalf of the designated observers for the Local 2620 runoff election, please find attached our formal appeal regarding the conduct and outcome of the rerun election for the office of President.

As members in good standing, and as afforded by the AFSCME Member Bill of Rights and the International Constitution Appendix D, Section 4, we are exercising our right to formally appeal election actions that adversely impact fair and democratic practices.

Please confirm receipt of this appeal at your earliest convenience. Should you require any additional information, clarification, or supporting documentation, we are fully prepared to provide it.

Thank you for your attention and for upholding the principles of democracy that guide our union.

In solidarity,

Julissa Barton-Young, Rochelle Brace, Khristy Warch

Dear Judicial Panel,

This correspondence serves as our formal appeal of the Election Committee (EC) findings and decisions regarding the rerun of the runoff election for the office of President of Local 2620. As members in good standing, we submit this appeal in accordance with the AFSCME International Constitution, Appendix D, Section 4, which affords members the right to appeal election decisions that adversely affect their standing or that demonstrate violations of fair and democratic election practices.

Listed below are multiple charges presented for your review. These charges primarily address the rights and responsibilities of an observer in an election. On more than one occasion, the same erroneous processes have been executed by the election committee subverting the ability for observers to properly perform their duties.

The actions taken by the election committee whether accidental or intentional have clear impact to the functional right which affords members attempting to ensure a fair oversight process for a candidate. Nonadherence to the guidelines mandating the election committee to make provisions on more than one occasion to the clearly identified ability to serve as checks and balances during an election, shows clear disregard for candidate rights and the AFSCME democratic process.

1. Failure to Provide Timely Notification and Guidance to Observers

- After multiple attempts to obtain information on how to execute the responsibilities of observers, vague directions were deferred to page 17 of the election manual and Dept of Labor website.
- No advanced notification of the election timeline until after voting had begun, which allowed for the requests to be an observer became known.
- No notification of the process even when the election committee was asked for details.

These actions violate the following sections within these documents:

- AFSCME Constitution Appendix D, Section 2(J)
- AFSCME Election Manual (Observer Rights and Duties)

2. Obstruction of Observer Rights and Access

- No access to voter eligibility lists prior to the start of the election eliminating the ability to raise challenges prior to the polls opening.
- No ability to challenge voter eligibility before voting began.
- No access to who voted (only total numbers shown after voting).
- Zoom "observation" showed nothing meaningful—just someone walking around an office.

These actions violate the following sections within these documents:

- AFSCME Constitution Appendix D, Section 2(J)

- Election transparency rights (secret ballot protects how members vote—not observer access to whether they voted).

3. Denial of Meaningful Ballot Tabulation Observation

- Observers were not allowed to see any system reports, audit trails, or real-time tabulations.
- No ability to monitor election integrity during live count.

These actions violate the following sections within these documents:

- Election Manual p. 33–34 (Observers must be allowed to view every phase except how someone votes)

4. Issuance of Duplicate Ballots

- At least one observer received two ballots at two separate emails.
- No process was in place to detect or prevent double voting.

Violated:

- AFSCME Election Manual – Voting integrity
- Basic principles of fair election process

in light of these serious and repeated violations, we respectfully request that the Judicial Panel take the following corrective actions:

1. Set aside the results of the flawed runoff election for the office of President of Local 2620.
2. Order a new election to be conducted in full compliance with the AFSCME Constitution, the Election Manual, and Department of Labor standards.
3. Mandate the development and implementation of formal observer training and structured procedures to safeguard transparency and member rights in all future elections.
4. Direct the removal and replacement of the current Election Committee with a newly appointed, independent body that is free from the influence of any candidate.
5. Require a written acknowledgment to the membership outlining the violations that occurred and the corrective steps that will be taken to restore member trust.

We submit this appeal not merely on behalf of the candidates involved, but on behalf of the democratic principles that are the foundation of our unions decision making processes. Protecting the integrity of our elections protects the voice of every dues-paying member. We trust that the Judicial Panel will act decisively to uphold these principles.

Respectfully submitted by Observers,
Julissa Young, Rochelle Brace, and Khristy Warch

Election Committee of Local 2620

Subject:

Protest Regarding the Conduct of the Recent Election

This document serves as a formal protest to the conduct of the rerun of the runoff election for President of AFSCME Local 2620.

Summary of Protest

As duly designated observers in the recent election of Local 2620, we witnessed multiple procedural failures and irregularities that significantly compromised the fairness, transparency, and legitimacy of the election process. This protest outlines these critical violations and calls into question the democratic integrity of our union.

Charge 1

Failure to Provide Timely Notification and Guidance to Observers

Observers were not notified of their opportunity to serve as an observer until voting had already started. When requests for clarification were made, we were referred to the Election Manual without receiving practical instructions, training, or structured guidance. This deliberate lack of preparation obstructed our ability to carry out observer duties effectively.

Violation of: Basic principles of election transparency and observer rights under the AFSCME Constitution and Election Manual

Charge 2

Obstruction of Observer Rights and Access

Observers were denied pre-election access to voter lists, which prevented us from verifying member eligibility. We were also denied access to confirm who voted (not how they voted), which is a crucial element of observer responsibility. While voting by secret ballot is a protected principle, it is constitutionally recognized that the identity of those who vote is not secret—only the individual vote is confidential.

Instead of meaningful participation, we were only permitted to view post-election tally totals via Zoom—devoid of live tabulation or any opportunity to inspect voting or challenge any irregularities. This systemic obstruction is a direct violation of our rights as outlined in Appendix D, Section 2, Subsection J, and the Election Manual.

Violation of: AFSCME Constitution Appendix D, Section 2, Subsection J – Observer Rights -
Page 18, Paragraph 3 – Transparency and Observer Function Requirements

Observers play a critical role in ensuring free, fair, and democratic elections. When those rights are systematically disregarded, member confidence is eroded, and the legitimacy of the union leadership is called into question.

Requested Remedies:

1. A formal investigation by the Election Committee into the obstruction and lack of timely notification for observers.
2. A written acknowledgment of these violations and a public announcement to the membership admitting the failures and outlining the correct steps that will be taken.
3. Immediate nullification of the flawed election results and a new election ordered with full constitutional compliance.
4. Mandated development and distribution of formal Observer Training and Procedures
5. Protocol to be implemented before any future elections.
6. Because the seated president appointed the past two election chairs one of whom presided over a disqualified election, we further request that the current Election Committee step down and a new, independent committee be formed, free from influence or appointment by any candidate.

Respectfully Submitted,
Julissa Young & Rochelle Brace
Observers of the Re-Run Election

Hernandez Election Protest Appeal



Formal Charges Against Eric Young – (AFSCME Local 2620)

From Eric Hernández <hernandezericv@gmail.com>

Date Mon 4/28/2025 5:51 PM

To judicial panel <judicialpanel@afscme.org>

6 attachments (14 MB)

Young Protest (Redacted)-2.pdf; Young Email to Members.pdf; Decision JPC 24-075 (1) (1).pdf; Response to protest from EH-2.pdf; Protest Findings.pdf; Formal Protest to AFSCME Judicial Panel .pdf;

This message is from an external sender.

Dear Members of the AFSCME International Judicial Panel,

Attached please find my formal statement and supporting documentation regarding election violations committed by Eric Young during the AFSCME Local 2620 Presidential Re-Run Election.

This submission outlines multiple violations of the AFSCME International Constitution, Local Union Election Manual, Bargaining Unit 19 Memorandum of Understanding, and Local 2620's Steward Responsibilities. It also details serious concerns regarding the misuse of employer resources, dissemination of misinformation, and breaches of the ethical standards required of union Stewards.

Given the severity of these violations and the Election Committee's failure to impose appropriate remedies at the local level, I respectfully request the Judicial Panel's full review and final ruling on this matter.

Please confirm receipt of this email and attached documents at your earliest convenience. Should you require any additional information or clarification, I am available to provide further assistance.

Thank you for your time, attention, and commitment to upholding the integrity of our union's democratic processes.

In solidarity and service,

Eric Hernandez, LCSW
Northern Vice President
AFSCME Local 2620

Cell: (916) 600-7019 | **E-Mail:** hernandezericv@gmail.com

--

Best,

Eric Hernandez

To: AFSCME International Judicial Panel

From: Eric Hernandez, Northern Vice President, AFSCME Local 2620

Date: April 28, 2025

Subject: Formal Request for Enforcement Action – Election Violations Committed by Eric Young During AFSCME Local 2620 Re-Run Election

Dear Members of the AFSCME International Judicial Panel,

I respectfully submit this statement requesting formal action regarding multiple violations of the AFSCME International Constitution, AFSCME Local Union Election Manual, and applicable election standards committed by Eric Young during the re-run of the AFSCME Local 2620 Presidential Election.

After filing a formal protest with the Local 2620 Election Committee, I received a response acknowledging that violations occurred, including misuse of employer resources and the spread of misinformation. However, the Election Committee declined to impose any meaningful consequences, reasoning that Eric Young did not win the election. Their decision failed to address the seriousness of the violations, or the damage caused to the integrity of the election process.

Given the Election Committee's findings and its refusal to enforce appropriate remedies, I am compelled to bring this matter before the AFSCME International Judicial Panel for full and final resolution.

As the Panel is aware, it was Eric Young's original protest, Judicial Panel Case No. 24-075, that resulted in the nullification of the initial runoff election and the ordering of a re-run. Eric Young positioned himself as a champion of fairness and demanded strict adherence to AFSCME's election rules and standards.

However, during the re-run election process, Eric Young himself repeatedly violated those very same rules, disregarding the standards he sought to enforce against others. This blatant hypocrisy, demanding accountability from others while refusing to apply it to himself, seriously undermines the integrity of the election process and AFSCME's democratic values.

Despite the Local Election Committee confirming multiple violations, no meaningful sanctions were imposed. In the interest of preserving the credibility of AFSCME's democratic institutions and to deter future misconduct, I respectfully request that the AFSCME International Judicial Panel take corrective action.

Statement of Facts and Violations

On Wednesday, February 26, 2025, during a site visit at Pelican Bay State Prison (PBSP) in my official capacity as Northern Vice President of AFSCME Local 2620, I, along with AFSCME Council 57 Business Agent Rafael Garcia and PBSP Steward Sister "A," visited the office of Brother "X" at approximately 11:10 a.m.

Upon introducing ourselves, Brother "X" immediately mentioned that he had just received a phone call from Eric Young and initially believed our visit was related to that call. Brother "X" was informed that our visit was unrelated. As our discussion progressed, Brother "X" raised workplace concerns, prompting me to inquire whether Eric Young's contact was related.

Brother "X" confirmed that:

- The phone call from Eric Young was unsolicited.
- Eric Young explicitly stated he was running for Local 2620 President, and that the election was underway.
- The call was placed directly to his state-issued telephone, which is significant because personal cell phones are prohibited on prison grounds, confirming misuse of employer resources.
- Brother "X" wrote down the phone number provided by Eric Young on a sticky note: 562-400-3882.
- Brother "X" was actively on duty when he received the call.

This incident revealed:

- Misuse of Employer Resources: Eric Young improperly used employer resources (state phone lines and member work time) for campaign purposes.
- Violation of Institutional Policies: Use of a state phone for personal campaigning directly violates institutional policy and the Bargaining Unit 19 MOU.
- Interference with Work Duties: Brother "X" was performing work duties when solicited for campaign purposes.
- Risk of Disciplinary Action: Eric Young's call placed Brother "X" at risk of employer discipline.
- Concern for Broader Misconduct: This raises serious concerns that Eric Young may have engaged in similar unsolicited outreach to other members using prohibited methods.

Additionally, Eric Young engaged in a deliberate misinformation campaign. On February 10, 2025, and again on March 9, 2025, Eric Young distributed campaign emails containing the following false claims:

- He framed the re-run election as the result of "corruption," despite the Judicial Panel's ruling that it was procedural violations that prompted the re-run.
- He falsely claimed that candidates "cheated," which was never found by the Panel or any investigating authority.
- He manipulated member perceptions to inflame distrust in the election process and in the union itself.

Moreover, there is geographical evidence that further proves the misconduct was premeditated:

- Eric Young works at the California Rehabilitation Center (CRC) in Norco, Southern California.
- Brother "X" works at PBSP in Crescent City, Northern California, roughly 787 miles apart.
- This distance makes it impossible for Eric Young's outreach to be incidental or work-related; it was deliberate electioneering using State and union resources.

Violations Committed

1. Misuse of Employer Resources for Campaigning

Eric Young improperly utilized state-issued resources to contact a member during duty hours for the purposes of electioneering. This directly violates:

1. AFSCME International Constitution, Appendix D, Section 1(A); and
2. AFSCME Local Union Election Manual, Election Campaigning Section.

His misuse of employer resources not only violated AFSCME standards but also placed a union member at risk of discipline under State employment rules.

2. Deliberate Misinformation Campaign

Eric Young disseminated two campaign emails (February 10 and March 9, 2025) containing provably false claims about the reason for the re-run election. He falsely asserted that other candidates had "cheated," mischaracterizing the findings of the Judicial Panel's previous ruling.

This false narrative:

- a. Undermined the trust of AFSCME members in the election process,
- b. Violated the ethical standards of fair campaigning, and
- c. Discredited the integrity of union governance.

3. Unjustified Financial Burden on AFSCME Local 2620

His actions led to unnecessary expenditures for rerun election administration and corrective communications, conflicting with AFSCME Financial Responsibility Guidelines.

4. Violation of Steward Responsibilities

As a Steward, Eric Young was expected to uphold principles of trust, respect, and integrity. His conduct during the re-run election severely conflicted with these responsibilities.

Violation of Steward Responsibilities

As a union Steward, Eric Young holds a position of trust, responsibility, and leadership within AFSCME Local 2620. Stewards are expected to uphold the union's values of integrity, transparency, and advocacy for members.

Eric Young's conduct violated core Steward responsibilities in the following ways:

- **Breach of Trust:**
By contacting a working member at their government-issued telephone to solicit election support, Eric Young compromised the member's professional responsibilities and placed them at risk of employer discipline.
- **Undermining Union Values:**
The dissemination of false and misleading information regarding the Judicial Panel's ruling falsely accused fellow members of "cheating" and "corruption," directly undermining the principles of honesty, fairness, and solidarity that Stewards are entrusted to uphold.
- **Manipulating Members:**
Instead of promoting accurate union information and encouraging democratic participation, Eric Young deliberately spread misinformation to manipulate member perceptions for personal gain.
- **Failure to Protect Members:**
Stewards have an obligation to protect members from employer retaliation or harm. Eric Young's improper use of state resources exposed a member to potential disciplinary action, violating the Steward's duty to act in members' best interests.

These violations of ethical and leadership standards independently justify a full review of Eric Young's continued eligibility to serve in any union representative capacity.

Citations of Violations

Eric Young's actions violate the following AFSCME standards:

1. **Misuse of Employer Resources:**
 - AFSCME International Constitution, Appendix D, Section 1(A)
 - AFSCME Election Manual: Prohibits use of union/employer resources for campaigning
 - Bargaining Unit 19 MOU, Section 2.9 – Use of State Equipment
2. **Prohibited Electioneering and Coercion:**
 - AFSCME International Constitution, Appendix D, Section 1(A)
 - AFSCME Local 2620 Constitution: Fair election procedures
3. **Deliberate Distribution of Misinformation:**
 - AFSCME International Constitution, Appendix D, Section 4(B)
4. **Unjustified Financial Burden on AFSCME:**
 - AFSCME Financial Responsibility Guidelines
5. **Violation of Steward Duties:**
 - AFSCME Local 2620 Steward Role Standards

Relief Requested

Pursuant to the authority under the AFSCME International Constitution and enforcement procedures, I respectfully request that the AFSCME International Judicial Panel:

1. Formally Disqualify Eric Young

Disqualify Eric Young from seeking or holding elected or appointed office within AFSCME Local 2620 and AFSCME Council 57 for a period of four (4) years.

2. Issue a Formal Censure

Publicly censure Eric Young for misconduct, misuse of resources, and deliberate distribution of false information to the membership.

3. Refer Steward Misconduct for Review

Refer Eric Young's violations of Steward duties to the appropriate AFSCME body for review and decertification consideration.

4. Conduct an Independent Investigation

Direct a further investigation into Eric Young's electioneering conduct during the re-run campaign to determine whether additional members were improperly contacted, which may warrant additional disciplinary measures.

Closing

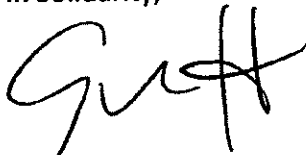
In closing, Eric Young demanded accountability when it suited him but disregarded the same standards when it did not. Allowing these violations to go unaddressed would betray the trust of our membership, encourage future misconduct, and erode the democratic foundations upon which AFSCME is built.

I respectfully urge the Judicial Panel to uphold AFSCME's values by applying the rules equally and holding Eric Young accountable.

Supporting documentation, including my protest submission, relevant email communications, are attached for the Panel's review.

Thank you for your time and consideration.

In Solidarity,

A handwritten signature in black ink, appearing to read 'Eric Hernandez', with a stylized, cursive script.

Eric Hernandez, LCSW
Northern Vice President
AFSCME Local 2620

To: AFSCME Local 2620 Elections Committee

Subject: Formal Protest and Demand for Disqualification – Election Rule Violations and Misinformation Campaign by Eric Young

Date: March 17, 2025

Submitted by:

Eric Hernandez

Northern Vice President

AFSCME Local 2620

Formal Protest of Election Rule Violations and Misinformation Campaign by Eric Young

Introduction

Pursuant to AFSCME Local 2620 Constitution, the AFSCME International Constitution, the AFSCME Financial Standards Code, and the AFSCME Local Union Election Manual, I submit this formal protest regarding multiple egregious election violations committed by Eric Young, a candidate in the re-run election for President.

Although Eric Young lost the election, his actions during the campaign period were deeply concerning. This re-run election was ordered following his prior protest of the runoff election results, as detailed in Judicial Panel Case No. 24-075 (attached). In addition to misusing employer resources for electioneering, placing a fellow union member at risk of disciplinary action, and potentially engaging in widespread election violations, Eric Young also engaged in a deliberate misinformation campaign by distributing a letter to the membership on February 10, 2025 and March 9, 2025, that contained false and misleading statements regarding the circumstances of the election re-run.

Given the severity and recurrence of these violations and their detrimental impact on the integrity of AFSCME Local 2620's election process, I request that the Elections Committee immediately rule on this matter, disqualify Eric Young from the current election, and bar him from holding office for four (4) years as permitted under AFSCME election enforcement provisions.

Statement of Facts & Violation Summary

On Wednesday, February 26, 2025, during a site visit at Pelican Bay State Prison (PBSP) in my capacity as Northern Vice President of AFSCME Local 2620, I, along with AFSCME Council 57 Business Agent Rafael Garcia and PBSP Steward Sister "A", visited the office of Brother "X" at approximately 11:10 AM.

Upon introducing myself to Brother "X," he immediately mentioned that he had just received a phone call from Eric Young and initially believed our visit was related to that call. Brother X was informed that our visit was not connected to his phone call with Eric Young. As our discussion progressed, Brother "X" raised workplace challenges and occupational concerns. This prompted me to inquire whether Eric Young's contact was related to these issues.

Brother "X" confirmed that Eric Young's phone call was unsolicited and that during the conversation, Eric Young explicitly stated he was running for Local 2620 President and that an election was currently taking place where he was a candidate.

While election-related matters were not the purpose of my visit, it became evident that:

- **Misuse of Employer Resources:** Eric Young improperly used employer resources to locate and contact Brother "X" for campaign-related purposes.
- **Violation of Institutional Policies:** As personal cell phones are prohibited on institutional grounds, indicating that Eric Young's call was placed directly to Brother "X's" state-issued telephone in his office, further confirming misuse of employer resources.
- **Documentation of Contact:** Brother "X" had written on a sticky note the phone number provided by Eric Young: 562-XXX-3882.
- **Interference with Duties:** Brother "X" was actively on duty at the time of contact, establishing that Eric Young's outreach was a misuse of employer time and resources for electioneering purposes.
- **Risk of Disciplinary Action:** Eric Young's call placed Brother "X" at risk of disciplinary action for improper use of state resources, as receiving a personal or non-work-related call on a state telephone violates institutional policies outlined in the Bargaining Unit 19 Memorandum of Understanding (MOU) with the State of California.
- **Concern for Widespread Violations:** Given Eric Young's intent to engage in direct communication with this member for campaign purposes, it raises serious concerns about whether he is engaging in similar electioneering activities with other members. If so, this constitutes a pattern of misconduct that undermines the fairness and integrity of this election and necessitates further investigation.
- **Deliberate Misinformation Campaign:** On February 10, 2025 and March 9, 2025, Eric Young distributed a letter to the membership that contained false and misleading statements about the re-run election.
 - He falsely framed the re-run election as a result of corruption, rather than an independent decision by the AFSCME Judicial Panel.
 - He claimed that other candidates had "cheated," suggesting that the election was stolen, despite the fact that the re-run was ordered due to confirmed election violations by multiple individuals, including his own protest.
 - This misinformation was intended to mislead members and influence their votes based on false narratives, further violating AFSCME election policies.

Geographical Disparity Between PBSP and CRC

It is important to emphasize that Eric Young is employed at the California Rehabilitation Center (CRC) in Norco, California, in Southern California, while Brother "X" is employed at Pelican Bay State Prison (PBSP) in Crescent City, California, in Northern California. The two institutions are approximately 787 miles apart, making it clear that Eric Young's outreach was neither incidental nor work-related but a deliberate use of state resources for electioneering purposes.

Statement on Misinformation Campaign by Eric Young

Eric Young engaged in a deliberate and calculated misinformation campaign intended to deceive the membership, undermine the legitimacy of the election process, and manipulate voters with false narratives. On February 10, 2025 and March 9, 2025, he distributed a letter to AFSCME Local 2620 members containing provably false and misleading statements about the re-run election. (See attached)

In his communication, Eric Young:

- Falsely claimed that the re-run election was the result of corruption, rather than the independent and impartial ruling of the AFSCME Judicial Panel in response to documented election violations.
- Misrepresented the findings of the Judicial Panel by suggesting that certain candidates "cheated," despite the fact that the re-run election was ordered due to multiple confirmed election rule violations—including his own protest.
- Created a false narrative designed to cast doubt on the legitimacy of the election, inflame division among members, and mislead voters into believing that the democratic process had been compromised.

This deliberate disinformation campaign was not an isolated incident but a coordinated effort to manipulate the membership and influence the election outcome. By distorting the facts and spreading misleading information, Eric Young actively subverted the democratic process, sowed distrust within the union, and acted in direct violation of AFSCME's ethical standards and election rules.

AFSCME's election process is built on principles of fairness, transparency, and member trust. Knowingly distributing false and misleading information to voters is a direct attack on those principles and must be addressed with the full weight of enforcement to preserve the integrity of future elections.

Summary of Key Violations

- **Misuse of Employer Resources:** Eric Young improperly used employer resources to locate and contact Brother "X" for campaign-related purposes.
- **Violation of Institutional Policies:** Personal cell phones are prohibited on institutional grounds, indicating that Eric Young's call was placed directly to Brother "X's" state-issued telephone in his office, further confirming misuse of employer resources.
- **Documentation of Contact:** Brother "X" had written on a sticky note the phone number provided by Eric Young: 562-XXX-3882.
- **Interference with Duties:** Brother "X" was actively on duty at the time of contact, establishing that Eric Young's outreach was a misuse of employer time and resources for electioneering purposes.
- **Risk of Disciplinary Action:** Eric Young's call placed Brother "X" at risk of disciplinary action for improper use of state resources, as receiving a personal or non-work-related

call on a state telephone violates institutional policies outlined in the Bargaining Unit 19 Memorandum of Understanding (MOU) with the State of California.

- **Deliberate Misinformation Campaign:** On February 10, 2025 and March 9, 2025, Eric Young distributed a letter to the membership that contained false and misleading statements about the re-run election.
- **Unjustified Financial Burden:** Eric Young's election-related actions imposed unnecessary costs on AFSCME Local 2620 and its members, contributing to excessive expenses related to election administration. These costs include the additional resources required for organizing a re-run election, added expenses for communication materials to correct the misinformation spread by Eric Young, and increased time commitments from union staff and members to address the resulting confusion. By misusing union and State resources in this manner, Eric Young violated AFSCME's financial responsibility standards.

Citations of Violations

Eric Young's actions constitute multiple violations of AFSCME Local 2620 election rules, AFSCME International election policies, and the AFSCME Local Union Election Manual, specifically:

1. Misuse of Employer Resources for Campaigning

- **AFSCME International Constitution, Appendix D, Section 1(A):**
"No funds or other resources of the Federation or of any subordinate body, and no funds or resources of any employer, shall be used to support the candidacy of any member for any elective office within the Federation or any subordinate body."
- **AFSCME Election Manual, Election Campaigning:**
"No union funds or resources, and no funds or resources of any employer, can be used in campaigning for union office."
- **Bargaining Unit 19 MOU, Section 2.9 – Use of State Equipment:**
"State-owned equipment, including telephones, computers, and other electronic devices, shall not be used for personal gain or campaign-related purposes."

2. Prohibited Electioneering and Coercion

- **AFSCME International Constitution, Appendix D, Section 1(A):**
"No funds or other resources of the Federation or of any subordinate body, and no funds or resources of any employer, shall be used to support the candidacy of any member for any elective office within the Federation or any subordinate body."
- **AFSCME Local 2620 Constitution:**
Details election procedures and prohibits actions that interfere with a fair election process.

3. Deliberate Distribution of Misinformation

- **AFSCME International Constitution, Appendix D, Section 4(B):**
"Any protest concerning the conduct of the election may be lodged at the meeting at which the election is conducted or by filing such protest in writing with the subordinate body or the Election Committee within ten days following the election."

- While AFSCME policy does not directly label misinformation as a violation, its impact on election integrity justifies the protest.

4. Unjustified Financial Burden on AFSCME Members

- **AFSCME Financial Responsibility Guidelines:**

"Expenditures must adhere to the requirements of the Financial Standards Code, applicable laws, and other sound business accounting practices. The policy must require that expenditures be properly authorized by one of the methods identified in the Financial Standards Code and must be for legitimate union business purposes. Extravagant and/or unnecessary expenditures should be prohibited."

Steward Role Violation

Based on the AFSCME Local 2620 Steward's Role and Responsibilities, Eric Young's actions appear to conflict with the expected roles and standards of a steward. Specifically:

- **Support the Goals, Values, and Principles of the Union:** By engaging in a misinformation campaign that falsely accused other candidates of corruption and election theft, Eric Young undermined union values centered on integrity, transparency, and fair elections.
- **Mobilizing Members to Solve Workplace Issues:** Instead of promoting legitimate union organizing, Eric Young appears to have misused employer resources for campaign-related purposes, which deviates from the expected leadership role of a steward.
- **Communicating Union-Related Information:** While stewards are tasked with informing members, Eric Young's dissemination of false information contradicts this responsibility by spreading misleading narratives to manipulate voter perception.
- **Risk of Disciplinary Action:** By placing a union member at risk of employer discipline through an inappropriate campaign-related phone call, Eric Young compromised a core responsibility of a steward, which is to protect and support union members.

Demand for Disqualification & Election Sanctions

Given the severity and recurrence of these violations, I formally request the following:

- 1. Immediate Disqualification from the Current and Future Elections**
 - Disqualify Eric Young from the current re-run election and prohibit him from holding or running for any elected position within AFSCME Local 2620 for the next two election cycles (approximately four years).
 - Bar Eric Young from holding or running for any elected position within AFSCME Council 57 for the same period.
 - Reinstatement eligibility should be contingent upon a formal ruling by the Elections Committee confirming his adherence to all AFSCME election policies.
- 2. Suspension of Steward Eligibility**
 - Bar Eric Young from serving as a union steward following the established complaint and decertification procedures outlined in union policy and the AFSCME International Constitution.
- 3. Formal Censure for Election Violations and Misuse of Resources**
 - Publicly discredit the misinformation by issuing a formal statement correcting the record.

- Public censure for misuse of employer resources, improper electioneering, and spreading misinformation.
 - Mandate that Eric Young issue a written admission of his election violations as a condition of any future eligibility for office.
4. **Independent Investigation into Additional Election Violations**
- Audit campaign-related communications to determine the extent of improper contacts.
 - Extend the disqualification period beyond four years if further violations are discovered.

Request for Urgent Review and Corrective Action

Since this protest is being submitted after the election, I urge the Elections Committee to conduct an urgent post-election review to determine whether the election results were compromised by Eric Young's violations.

Failure to act decisively would set a dangerous precedent, undermine trust in AFSCME's democratic process, and encourage future election misconduct. AFSCME Local 2620 must uphold the integrity of its elections by holding Eric Young accountable for his actions.

I request a formal ruling on this protest within the appropriate timeframe to ensure that corrective action is taken without delay.

Sincerely,

Eric Hernandez
Northern Vice President
AFSCME Local 2620



Results:

| Race | Candidate/Choice | Votes |
|-----------|------------------|-------|
| President | Amir Jafarinejad | 315 |
| President | Eric Young | 257 |

1775 I St NW
Suite 1150
Washington, DC 20006

155 Mineola Blvd.
Suite 102
Mineola, NY 11501

4275 Executive Sq.
Suite 200
San Diego, CA 92037

(866) 514-2995 | YesElections.com