

APFA

BOARD OF DIRECTORS MEETING

SPECIAL BOARD OF DIRECTORS MEETING

November 30, 2015
via Teleconference

Resolution Tally Sheet	Resolution #: 2
	Maker: Pharr
	Second: Bossi
	Date: 11/30/2015
	Time: 15:15

Resolution Name: Election Balloting

<input checked="" type="checkbox"/> <i>AFFECTS POLICY MANUAL:</i> SECTION 14		
YES = Yes	ABS = Abstain	PXY = Proxy Vote
NO = No	N/A = Absent	REC = Recuse
PASS = Pass		

COMMENTS:

	B O S	C L T	D C A - A A	D C A - U S	D F W	L G A	L A X	M I A	O R D	P H L	P H X	R D U I	S F O	S T L	PRES — Tie- Breaker
	Milenkovic	Bossi	Valenta	Britton	Bedwell	Eherts	Nikides	Trautman	Wroble	Kaswinkel	Seelye	MacPherson	Adair	Martin	Gluth
YES	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PASS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ABS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PXY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
REC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

YES: 8 NO: 6 ABSTAIN: 0 ABSENT: 0

Status: **Passed** Failed Tabled Withdrawn Show of Hands

WHEREAS, Article III, Sections 3.A of the APFA Constitution authorizes the Board of Directors to interpret the Constitution and to act in the interests of the union and its members; and

WHEREAS, Article III, Sections 3.L(1) and (2) of the APFA Constitution authorize the Board of Directors to set policy for the APFA and to review, and if necessary modify, the APFA Policy Manual; and

WHEREAS, union officer elections are governed by the Labor-Management Reporting and

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Disclosure Act (LMRDA), which is administered by the U.S. Department of Labor (“DOL”); and

WHEREAS, DOL filed a lawsuit against the Allied Pilots Association (APA) challenging the internet and telephone (“electronic balloting”) system APA used in 2014 DFW domicile officer elections; and

WHEREAS, APFA, like many other unions, has been using that same system and the same vendor, BallotPoint, to conduct electronic balloting; and

WHEREAS, just weeks ago, DOL and APA reached a settlement of the lawsuit based on DOL’s interpretation of the LMRDA; and

WHEREAS, a key aspect of that interpretation is that in order to comply with the LMRDA, any electronic balloting system cannot allow a vote to be voided, and, therefore, only eligible members can cast a ballot (because votes by ineligible voters cannot be voided) and no member can change his or her vote once it is cast (because that would require voiding the first vote); and

WHEREAS, in response to the DOL’s interpretation of the LMRDA, BallotPoint has changed the design of its system to a “one vote, no void” system and the system it has used in prior APA and APFA elections no longer is available; and

WHEREAS, APFA was unable to find an electronic balloting vendor that conducts elections at a major carrier using the same system APFA has been using; and

WHEREAS, APFA has been conducting officer elections by electronic balloting; and

WHEREAS, it is in the best interests of the membership to continue to conduct elections by electronic balloting rather than return to balloting by mail; and

WHEREAS, when APFA was conducting elections by mail ballot, members were not permitted to change their votes; and

WHEREAS, there are other modifications that should be made in the elections section of the Policy Manual;

THEREFORE BE IT RESOLVED, that the following changes be made to Section 14 of the APFA Policy Manual:

Section K:

New section 3.c:

The guide to voting electronically and the voting instructions referred to in sections 3.a and 3.b, above, shall inform members that once a vote is cast, it may not be changed.

Section K.7:

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In mail ballot elections, duplicate ballots will be issued, upon request, up to five (5) days prior to the ballot due date. In electronic ballot elections, instructions for the replacement of an activation code will be provided on the voting website.

Section M.2:

Definition of Member

For purposes of this Section 14 of the APFA Policy Manual, “member” includes all Flight Attendants who have submitted a Membership Card authorization to the APFA **prior to the date the ballots are mailed.** ~~Consistent with Article VI, Section 4.D. of the APFA Constitution, membership cards must be received by the APFA no later than the close of business on the fifth (5th) day prior to the balloting date of any election or referendum. While fax copies are acceptable, originals are preferred.~~

Section M.3:

Change caption to read: Ineligible Report/Initial Ballot Count **in Mail Balloting**

Section M.4:

Change caption to read: Ineligible Report- Pre-Certification **in Mail Balloting**

Section N.4:

Change caption to read: Challenged Ballot **in Mail Balloting**

Section N.6:

Change caption to read: Ballot Count Results and Time Line **in Mail Balloting**

New Section O:

Electronic Balloting

- 1. Once a vote is cast, it will not be voided for any reason.**
- 2. Although ballots will be sent to all members, only members in good standing (eligible voters) will be able to cast a vote. When an ineligible voter tries to vote electronically or by phone, the system will not allow the member to log in and cast a ballot until the voter becomes a member in good standing.**
- 3. If a member makes the necessary dues payments to be in good standing, the following**

procedure will be followed to allow eligibility challenges before the member casts a ballot:

- a. During the balloting process, each slate and each candidate who is not part of a slate may designate an observer. Every business day during the balloting period, the NBC will provide the observers with a list of voters who have become eligible to vote after the ballot were mailed. The observers will have 48 hours to challenge eligibility. If no challenge is lodged, the NBC will upload an updated eligibility list to the electronic balloting system and the member will be able to access the system and cast a ballot.**
- b. If an observer notifies the NBC by email that he or she is challenging the new eligibility of the member, the NBC will promptly review the matter. If it sustains the challenge, the member will be notified and still will not be able to cast a ballot. If the NBC confirms the eligibility of the member, the member will be added to the Eligibility List and will be able to cast a ballot.**

Current Section 0.1

Change to read:

The NBC shall appoint a moderator and ~~two (2) alternates~~ **may appoint an alternate** for the APFA National Presidential Debate in the next election. ~~The NBC shall notice the Board of Directors of their appointment(s) at the Annual Convention in the year prior the National Presidential Debate.~~

Current Section Q.1:

After the process of resolving challenged ballots has concluded **in a mail balloting, and after the votes have been tallied in an electronic balloting**, the NBC shall certify the results of a balloting to the National Secretary, with the exception of the Contract ratification procedures provided for in Article XI, Section 2.E. of the APFA Constitution.

BE IT FURTHER RESOLVED, that these revisions are consistent with the election-related provisions of the APFA Constitution; and

BE IT FURTHER RESOLVED, that changes in lettering sections and other formatting changes can be made to implement these changes.