

From: "John Staino" <John.Staino@csea860.org>
Date: Mon, 29 Oct 2012 10:40:27 -0400
To: <peterpiazza2001@yahoo.com>; 'Gary Cannonier' <gary.cannonier@gmail.com>
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<abetafeta@verizon.net>
Subject: RE: Phone Call and Text

Pete,

I will make this my last e-mail on this issue. CSEA Inc is going to let the members vote on this MOA, that much is clear. As you stated earlier the contract is between CSEA Inc and WCHCC. The only question is whether the negotiations committee will do a recommendation or do a no recommendation on the MOA, the decision is a difficult one either way. So all four should weight in, sorry that I forgot about Thomas. Regardless of which way the vote goes the input from the members is vital for their future and having all the facts are too. We have come to a cross roads, if the MOA is voted down we will continue with the IP's, grievances, lawsuit, etc. But as far I am concerned the negotiations are pretty much done. We will have a quick 400 layoffs, and within a year of that by earlier 2014 the membership will be at best a handful. Palpable fear or reality check that is the choice. The EEOC complaints that you and I filed concerned me after we spoke to John Douglas of the EEOC office. He asked us what the makeup of the members being laid off was. We stated some figures 75 or 85 % etc where minority. The next question he asked was what was the makeup of the replacements, we responded that again mainly minority. Then he asked about the pay and we stated that it was a total compensation package of 40 to 50 less. What he asked next was interesting, isn't this an economical move rather than a racial issue (paraphrasing on my part) ? Regardless he took our complaint, but that worried me because the EEOC may just kick the can down the road and not rule at all. The **one lawsuit** (Federal) which has not even been filed yet may be the one that can bring some people back. The lawyers are still fact finding. But 1- lawsuit not filed yet 2- Once filed by CSEA, WCHCC can move to dismiss 3- then can go to discovery if not dismissed 4- motions can be filed again to dismiss 5- Go to trial. So far the lawsuit is for complete titles and is only for hospital clerks. I sat there with you and the lawyers and listen to the argument being made for this lawsuit, while creative this will be difficult to win, not just my opinion but that of the CSEA legal people that I spoke to. The other issue was the fact that the former members where reclusive to testify in court which would make it even more difficult to win, maybe some of the clerks changed their minds but our members asking us to fight means that we all fight not just you and I. I want everyone to have all the facts, you stated to me on many occasions that you have no use for the politicians, my take on the legal solutions we have before us are at best a long shot. I as stated to you when you asked me if I lost my job how would I feel if CSEA dropped all legal actions, my answer is the same, my resume is done. I can live with either direction that the members go.

John

: peterpiazza2001@yahoo.com [mailto:peterpiazza2001@yahoo.com]

Sent: Saturday, October 27, 2012 10:04 PM

To: john.staino@csea860.org; Gary Cannonier

Cc: gary.cannonier@cseainc.org; Nephty Cruz; nicoc19@gmail.com; sue.fontana@aol.com; tat1956@yahoo.com; steve.alviene@cseainc.org; steven.crain@cseainc.org; Billy Riccaldo; ferdsr@yahoo.com; rogerking62@gmail.com; abetafeta@verizon.net

Subject: Re: Phone Call and Text

John,

Thank you for your well wishes regarding the upcoming inclement weather reportedly headed our way. You stay safe as well.

Please remember that Thomas Thankachan is technically still part of this negotiating team as well, at least until his October 30th retirement goes into effect. He has been kept apprised of all stages of development in these negotiations despite the fact that he's been less visible lately due to serious family illness. Should he wish to resign from the negotiating team, effective immediately, he should so state. Otherwise, he and all negotiating team members should cast their respective votes as soon as they've made their decisions so we can either get set for a ratification vote or get back to the negotiating table. If the negotiating team must come to the negotiating table again and doing so results in more layoffs as you've stated you fear, I regard that as a bad faith reprisal on managements part. Like you, I too don't know what to say to those that would be adversely impacted by such a retaliatory layoff. I know what I'd like to say, but it's contingent upon the final decision making of CSEA. They ultimately decide which legal assistance requests are approved and which are denied.

I'd like to be able to say to those that would be adversely impacted, "We will take every legal action possible to restore your employment. We will amend the repudiation IP to include your names and job titles. We will file any other lawsuits, grievances and IP's (for negotiating in bad faith and threatening CSEA at the negotiating table). We will do a more aggressive media campaign".

What I would NOT like to say is, "Well, we'd like to help you but we were told by senior management that if we proceed with legal actions on your behalf they will layoff another 200 in December, so we're going to throw you under the bus since you're now no longer a CSEA member and we intend to fight only for those that are left."

That strategy, in my opinion, is the surest way to the extinction that you so fear.

When you negotiate with WCHCC from a vantage point of palpable fear, there is no end to the fear they will continually instill upon you.

Speaking of palpable fear, their fear of the litany of actions currently pending against them appears palpable to me. I think we have a hammer in our hand and I'm not as willing to lay down that hammer as you appear to be.

Also John, I've noticed in your last couple of emails that the word "democracy" has come up. John, contrary to popular belief, we are not a democracy. We are a Republic just as the Republic of China is a republic.

"I pledge allegiance to flag of the united States of America, and to the REPUBLIC for which it stands, etc etc "

Were we a pure democracy, the majority of people living on your street could, if they so desired, vote to remove you from the street. It is because we are a republic and not a democracy that they cannot do so. Granted, we are a republic whose principles and precepts were once primarily democratic in their roots and origins. However, many of those democratic principles and precepts have insidiously given way to socialism and facism.

10/29/2012

Who, in this democracy that you envision, determines when an MOA is an MOA that requires the negotiating teams vote as to whether or not it holds enough substance and merit to be placed before the membership for a ratification vote.

Is that your dictatorial call, or does the duly elected, sitting president of the unit whose fate is in question make that call?

Pete