



September 30, 2019

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Jody Barr, President  
AFSCME Council 4  
444 E Main Street,  
New Britain, CT 06051

Dear Brother Barr:

This letter is in response to your inquiry regarding the eligibility of Charles DellaRocco to serve as President/Executive Director of AFSCME Local 749 which was dated August 23, 2019. You stated that Brother DellaRocco no longer worked within the jurisdiction of Local 749 and asked whether it was permissible for Brother DellaRocco to continue to serve as President/Executive Director.

I asked Brother Tim Birch to investigate and he confirmed with Brother DellaRocco that, as of July 5, 2019, he was no longer employed in a position that is represented by Local 749. He now works in a title that is in a bargaining unit represented by the Connecticut Police and Fire Union IUPA/IAFF.

Article III Section 1(A) of the AFSCME International Constitution permits individuals who are working within the jurisdiction of a local union to become members. Only members in good standing working within the jurisdiction of the local union are eligible to serve as officers of local unions. Therefore, Brother DellaRocco is not eligible to serve as President of AFSCME Local 749. Thus, the position of President is therefore vacant. The vacancy should be filled in accordance with the Local 749 constitution.

During the investigation, Brother DellaRocco raised the fact that he has a pending grievance and unfair practice for positions that he bid upon that are under the jurisdiction of Local 749, which if successful, would result in reemployment within the jurisdiction of Local 749. However, Brother DellaRocco voluntarily bid on and accepted his current position outside of Local 749's jurisdiction. While a grievance over the loss of employment may be a basis to allow an officer to remain in office pending its resolution, the same consideration does not extend to a situation where, as here, the officer has left the jurisdiction of the local union.

Finally, Brother DellaRocco indicated to Brother Birch that Local 749 Executive Board took action to hire him as Executive Director in their July 2019 meeting with the details of his employment to be "worked out later." As he is still employed full-time by the State of Connecticut, this action, which does not appear to be permitted by the Local 749 constitution, is not the basis for membership in Local

**American Federation of State, County and Municipal Employees, AFL-CIO**

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749 under Article III Section 1(B) of the AFSCME International Constitution, which requires that the individual be a "full-time staff employee of any subordinate body."

In solidarity,

A handwritten signature in black ink that reads "Lee Saunders". The signature is written in a cursive style with a large, prominent initial "L".

LEE SAUNDERS  
President

LS/MS:kbm

cc: Elissa McBride, Secretary-Treasurer  
Mike Sukal, Director, Organizing and Field Services  
James Howell, Eastern Regional Director  
Charles A. DellaRocco  
Local 749 Executive Board