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VIA ELECTRONIC DELIVERY

August 7, 2026

Executive Board
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Eliana Antoniou, Election Committee Chair
AFT Local 1796
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RE: Preliminary Investigation Findings, 2026 Officer Election

Dear Members of the AFT Local 1796 Executive Board and Election Committee Chair
Antoniou:

AFT has concluded its preliminary investigation of the 2026 election of officers for AFT Local 1796, William Paterson University. The preliminary investigation was conducted based on a request submitted by Wendy Christensen, a candidate for president. AFT investigated three allegations made in the complaint: (1) unreasonably restrictive campaign rules were promulgated, (2) the Elections Committee refused to distribute literature that did not comply with certain restrictions, and (3) candidate eligibility requirements were unreasonable and applied inconsistently to disqualify a candidate on the complainant's slate.

The goal of the preliminary investigation was to ascertain whether there are sufficient facts in dispute to refer the matter to the AFT Executive Council to conduct a full investigation and hearing pursuant to Article VI, Sec. 14(b) of the AFT constitution. Once the preliminary investigation is complete, only those complaints that contain material issues in dispute are referred to the executive council for a full hearing.

AFT has carefully reviewed and considered the submitted materials, and we have concluded that it is unnecessary to refer this matter to the AFT executive council because there are sufficient undisputed facts in the record to make a decision. In particular, imposing election rules that prohibit campaigning to members who have not "opted-in" is an unreasonable restriction on members' freedom of speech and inhibits a free and fair election. Therefore,

we are directing AFT Local 1796 to re-run the 2026 election of officers consistent with this decision. The AFT's decision on this matter is final.

I. Standard of Review

AFT's constitution has clear imperatives to ensure the sanctity of democratic unionism. It does so by both respecting local autonomy yet maintaining a clear but limited authority over internal election disputes. AFT's jurisdiction to conduct a full investigation and hearing is based on Section 14(b) of the AFT Constitution. Section 14(b) authorizes the AFT Executive Council to investigate internal election procedures of a local affiliate where there has been an allegation that the local or national constitution or applicable law has not been followed.

The AFT constitution in Article IV, Section 5, states that "the conduct of elections shall be consistent with the standard for such elections developed under Title IV of the Labor Management Reporting and Disclosure Act ("LMRDA"). Overall, Title IV requires unions conduct fair and open elections to select its officers. In order to find that a union election should be nullified on the grounds that it violated the LMRDA, it must be shown (1) that the union's conduct constitutes a violation of the LMRDA and (2) that the violation may have affected the outcome of the election.

II. Relevant Facts

The 2026 AFT Local 1796 officer elections were administered by the Elections Committee, chaired by member Eliana Antoniou. Nine (9) positions were on the ballot: President, VP for Negotiations, VP for Grievances, Recording Secretary, Treasurer, Professional Staff Rep, Librarian Rep, Adjunct Faculty Rep, and Non-Tenure Track Professional Rep. Candidates for each of the positions were organized into two slates. "Slate 1" was led by incumbent President Susanna Tardi. "Slate 2" was helmed by presidential candidate Wendy Christensen, the complainant in this election challenge.

Slate 2 nominated Kevin Koegan and Marina Bakreska to run for the Adjunct Faculty Representative position. After vetting the candidates for eligibility, the Elections Committee disqualified both of these candidates pursuant to a rule in the local constitution requiring a member to be in continuous good standing for the previous six (6) months in order to be eligible to run for office. Ms. Bakreska had not been a member of the union for several years. Mr. Koegan on the other hand had been a dues-paying member, but he was not scheduled to teach a course during the 2026 spring semester, so he had no paycheck from which dues could be deducted during this period. AFT Local 1796 does not provide any means to pay dues other than dues deduction nor was Mr. Koegan offered an opportunity to pay back dues to remedy his eligibility deficiency. Complainant Ms. Christensen alleges that similarly

situated adjunct professors were not disqualified in the 2022 and 2024 elections. The Executive Board and Elections Committee do not dispute this as they do not know whether the prior elections committees thoroughly vetted candidates for eligibility.

During the campaign, the Elections Committee provided each of the slates mailing labels with the home addresses of all of the members in good standing. The Committee then produced an "Opt-in" form that would allow members to opt in to sharing their private email and phone number with the slates in order to receive campaign communications. This survey was administered by Thomas Nemeth, a Slate 1 candidate for Professional Staff Rep. The March 31 email to the membership that distributed this "Opt-in" form also included the following campaign rules:

- "Campaign materials can only be sent to the email addresses and cell phone numbers on this opt-in list."
- "No other emails, personal nor employer based emails (e.g. wpunj.edu), may be used for the receipt or distribution of campaign materials."
- "No campaigning is permitted on university premises. Any in-person lobbying on campus is strictly forbidden. All lobbying is limited to members who have opted in via email/phone, NOT on campus."

The prohibition on campaigning on campus mirrored an employer rule. Elections Committee Chair Antoniou received complaints that two Slate 2 candidates were campaigning on campus. She then requested that HR share a previously circulated letter announcing the ban so in order to advise candidates against campaigning on campus.

The Elections Committee also informed candidates that the Committee would be distributing two emails to the membership. The first was a list of candidate qualifications, and the second was candidate statements in which each candidate could provide a statement of up to 500 words. The submissions for these emails were highly regulated, including limits on length, prescriptions of font size, and a prohibition on URLs. One Slate 2 member included a link in their statement, and Chair Antoniou removed it prior to distribution.

Counsel for Slate 2 submitted a letter to the union asserting that each of the campaign rules in the March 31 email violate the LMRDA and that the restrictions on content of candidate statements violated the union's obligation under the LMRDA to comply with all reasonable candidate requests to distribute campaign literature to all members in good standing at the candidate's expense. Counsel for CNJSCL responded with a letter on April 14 defending the rules, arguing that they were permissible because candidates could still send mail to voter's home addresses. The letter also indicated that the Election Committee should consider

reasonable requests to distribute literature. Neither slate made any distribution requests after this letter was circulated.

The voting was conducted electronically using Qualtrics, with the voting period open April 22nd through May 5th. Slate 1 narrowly beat Slate 2 in every race. However, the vote totals in each contest were quite close, with as few as 7 votes separating the candidates.

III. Analysis

Complainant Christiansen alleges that three violations of the AFT constitution occurred that may have affected the outcome of the election. Because so few votes separated the candidates in each election, invalidation of the results only requires that as few as seven (7) votes may have been affected by a violation. Each of the allegations is addressed in turn below.

a. Overly Restrictive Campaign Rules

The complaint alleges that the campaign rules promulgated by the Election Committee in the March 31 email to membership unreasonably restricted candidates' ability to campaign. In particular, the complaint takes issue with the prohibition on campaigning to members who don't appear on an opt-in list and the prohibition on campaigning on campus.

Title IV of the LMRDA requires unions to adopt adequate safeguards to ensure a fair election for union leadership. Such safeguards include allowing candidates a reasonable opportunity to campaign.¹ The rules promulgated in the March 31 email do not meet this standard.

i. Prohibition of Soliciting Members Not on Opt-In List

The primary problem with the March 31 campaign rules is the limitation on candidates promoting their candidacy to members by email, phone, or in-person not on the opt-in list (e.g. "All lobbying is limited to members who have opted in via email/phone[.]"). In this case, strict adherence to these campaign rules would mean that a candidate could only permissibly call, text, email, or visit in-person a list of approximately 27 members out of approximately 555 eligible voters who selected to opt in to receiving campaign solicitations. Counsel's contention that such a restriction is permissible because candidates could still mail campaign materials to members' home addresses is unfounded. Limiting the candidates' options to only promote their candidacy to over ninety-five percent (95%) of the

membership via physical mail unreasonably inhibits the free exchange of ideas necessary to conduct a fair election.

Additionally, this opt-in form should not have been administered by a candidate in the election. Candidates must refrain from participating in administering the election in order to avoid the appearance of impropriety.

The AFT does appreciate the concerns about member privacy that animated this rule. However, there are alternative means available to protect members' privacy that do not unreasonably impair candidates' opportunity to campaign. For one, the union is not obligated to share the membership list with candidates. Title IV of the LMRDA merely requires that all candidates have an opportunity to inspect, but not copy, a list of all members and their home addresses once within the 30 days prior to election and to treat all candidates equally with respect to list access.² The obligation of the union to honor reasonable requests to distribute literature at the candidate's expense is specifically designed to balance the interest in maintaining the privacy of members' contact information with candidates' access to members. The opt-in form is a clever and permissible way for members to choose whether to share their phone number and/or email address with candidates; however, it is impermissible to adopt a rule that restricts candidates to only solicit support among this list. In order to comply with the LMRDA's mandate that candidates be treated equally in terms of access to member lists, the Election Committee may prohibit use of member contact information obtained through union membership lists for campaign purposes, but candidates must be permitted to contact members where the contact information was obtained through legitimate alternative means.

We find that the rule restricting candidates' solicitations online, by phone, and in-person to members who have opted in to receiving campaign solicitations violates the AFT constitution, which requires that local union's officer elections comply with standards developed under Title IV of the LMRDA. Because this restriction prohibited certain communications with approximately 528 members, far greater than the seven (7) necessary to potentially affect the outcome of the election, the election results must be invalidated, and a new election must be conducted.

ii. Prohibition of Campaigning on Campus

The March 31 email stated that "Any in-person lobbying on campus is strictly forbidden." The record indicates that this rule was adopted due to the employer claiming that posting or distributing campaign materials is prohibited by law, specifically "N.J.S.A. 11A:2.2.3 [sic] and

regulation N.J.A.C. 4A:10-1.2." These claims are specious. The employer almost certainly intended to cite N.J.S.A. 11A:2-23 which states "A person holding a position in the career service...shall not directly or indirectly use or seek to use the position to control or affect the political action of another person or engage in political activities during working hours." And regulation N.J.A.C. 4A:10-1.2, which defines what activity is prohibited under this statute, makes specific reference to the Hatch Act. These laws are designed to prevent corruption in campaigns for government elected offices, not to prohibit discussion of union elections. And insofar as distributing union campaign materials might constitute "political activity," the law only prohibits political activity "during working hours," but the employer's rule prohibits distributing materials anywhere on campus at all times. In short, the law in no way requires the employer to maintain such a broad prohibition on union campaign activities on campus.

In fact, the employer's promulgation of this rule is likely unlawful. The New Jersey Employer-Employee Relations Act [N.J.S.A. 34:13A-1 et seq.] ("EERA") protects the right of New Jersey public employees to freely "form, join and assist any employee organization," which includes the right to communicate about terms and conditions of employment. The law also prohibits public employers from "interfering with, restraining or coercing employees in the exercise of rights guaranteed by [the PERC Law]." As a general matter, employers may place reasonable time and place restrictions on the freedom of employees to speak about working conditions when there is a legitimate business need.³ These restrictions generally must not be discriminatory and typically must be limited to working time and in work areas. A complete ban on distributing campaign literature for a union election, which necessarily involves workplace issues, anywhere on campus at any time is likely overbroad and would thus violate the EERA.⁴ Further, such a broad policy prohibiting speech on campus likely violates the First Amendment rights of Local 1796 members because it is content-based regulation of speech that would be subject to strict scrutiny.⁵

It is beyond the Election Committee's control that the employer has relied on faulty legal reasoning to adopt a likely unlawful policy. However, at a minimum, the union should refrain from assisting the employer in enforcing such a rule. And the local may want to consider challenging the lawfulness of the employer's rule.

iii. *Prohibition of Using Employer Email Addresses*

The March 31 email contained the rule "No other emails, personal nor employer based emails (e.g. wpunj.edu), may be used for the receipt or distribution of campaign materials." The portion of this rule that prohibits the use of employer-based email to send or receive

campaign materials is permissible and is arguably required. The LMRDA prohibits the use of employer funds to promote the candidacy of any person in a union officer election. This has been broadly interpreted to include the use of employer equipment, and at least one court has found that this includes the use of an employer's email system.⁶ Accordingly, continuing to prohibit the use of the employer's email system for sending or receiving campaign materials is advisable in future elections.

b. Refusal to Distribute Literature

Section 401(c) of the LMRDA imposes a duty on unions to "comply with all reasonable requests of any candidate to distribute by mail or otherwise at the candidate's expense campaign literature in aid of such person's candidacy to all members in good standing...and whenever such labor organizations or its officers authorize the distribution...of campaign literature on behalf of any candidate or of the labor organization itself with reference to such election, similar distribution at the request of any other bona fide candidate shall be made...with equal treatment as to the expense of such distribution." Unions may not regulate nor censor the contents of campaign literature which candidates may wish to have distributed by the union.⁷

In this election, the Elections Committee organized two email communications to members in which it permitted all candidates to submit statements to be included under prescribed parameters. The record indicates that these parameters were applied equally to all candidates. We find that it was permissible for the Elections Committee to set reasonable, uniformly applied length and formatting regulations on candidate's submissions for the two communications that were organized by the Elections Committee.

However, the Elections must also comply with a candidate's reasonable request to distribute campaign literature to all members in good standing at the candidate's expense. The Elections Committee may not regulate the content of the campaign literature for such requests. Union counsel indicated in his April 14 letter that the union would consider all reasonable requests to distribute literature. Neither slate made any such request.

Accordingly, the AFT finds that this allegation is without merit. Going forward, the Elections Committee must honor all reasonable requests by candidates to distribute campaign literature to all members in good standing at the candidate's expense, and the union may not censor such literature. However, the Elections Committee may set reasonable length and

formatting regulations on campaign submissions for election-related communications that it organizes.

c. Unreasonable and Inconsistent Eligibility Requirements

The AFT Local 1796 Constitution, Article IV, Section 5, provides that "Officers of the Union shall be required to have been a member of the Union for a period of six months prior to nomination." The Constitution states at Article III, Section 2(A), "Eligible personnel become dues paying members when they pay the dues requirement." Article III, Section 5 further provides that "Members on unpaid leave may maintain their membership with full membership rights by paying such dues as established."

The LMRDA provides that every member in good standing must be eligible to hold office, except that a union may establish "reasonable qualifications uniformly imposed."⁸ It has been determined that requiring a period of prior membership of less than two years to run for office is reasonable.⁹ And a requirement of continuity of good standing is only reasonable if it provides a reasonable grace period during which a member may make up missed payments without loss of eligibility.¹⁰

Here, there is no question that Ms. Bakreska was properly disqualified as she had not been a dues-paying member for years. However, Mr. Keogan presents a more challenging case for two reasons. First, uncontested allegations indicate that similarly situated adjunct faculty in two prior elections were not disqualified, suggesting that the qualification may not have been uniformly imposed. And second, Mr. Keogan was not offered a grace period to make up the required payments during the semester he was not teaching, which likely means the requirement to remain in good standing does not satisfy the standard of reasonableness under the LMRDA. Perhaps most troublingly, the record indicates that dues deduction is the only means by which Local 1796 members can pay their dues, which means that Mr. Keogan did not have an actual opportunity to remain in good standing, arguably in violation of Article III, Section 5, of the Local 1796 Constitution.

A basic assumption underlying the concept of free and democratic elections is that "the good judgment of the members in casting their votes should be the primary determinant of whether a candidate is qualified to hold office."¹¹ Thus, it is better to err on the side of finding a candidate eligible to run for office rather than disqualifying him. Because Mr. Keogan did not have an opportunity to remain in good standing and because he was not

provided any grace period to make up missed dues payments, we find that Mr. Keogan was improperly disqualified from running. His name should appear on the ballot in the re-run election.

The AFT appreciates that Local 1796 leadership has announced that a Constitutional Review Committee is being formed to address the unique problems surrounding nominee and voter eligibility of adjunct faculty who have inconsistent teaching schedules. We anticipate that resolving these ambiguities will prevent similar election disputes in the future.

IV. Conclusion

The AFT has concluded that undisputed facts in the record are sufficient to find that the campaign rules promulgated in the Election Committee's March 31 email violate the AFT constitution and may have impacted the outcome of the 2026 Local 1796 officer election. Accordingly, we have determined that the 2026 officer election results must be invalidated, and the election must be run again.

During the re-run election and in all future elections, the Election Committee may not require prior member consent to receive campaign solicitations. The election may maintain rules restricting use of member contact information obtained through voter lists and the use of employer-owned email addresses for campaign purposes. The Election Committee should refrain from assisting the employer in enforcing unlawfully overbroad restrictions on campaigning on campus. The Election Committee must honor all reasonable requests by candidates to distribute campaign literature to all members in good standing at the candidate's expense. Mr. Keogan's name shall appear on the ballot in the re-run election.

We recommend that the re-run election should not be held prior to September 1, 2026. The Election Committee should provide the membership with at least fifteen (15) days' notice of the election date chosen by the Election Committee. The Election Committee must send this notice via U.S. mail to the mailing addresses they have on file for each member and must post and/or distribute the notice in a manner reasonably calculated to ensure members are aware of the election date.

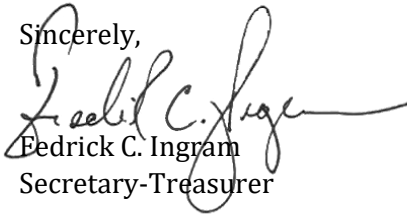
The Local 1796 constitution requires that the election be conducted electronically. The permissibility of electronic elections under the LMRDA is currently uncertain due to the difficulty of maintaining ballot secrecy. Accordingly, we recommend that if locals conduct elections electronically, they use a vendor such as BallotPoint, TrueBallot, YesElections, or AAA. All available measures must be taken to ensure ballot secrecy in the election.

Until the completion of the re-run election, the incumbent officers should continue to hold office. Because their status is the result of an election that has been declared invalid, during this period they should act in a caretaker status and refrain from making significant decisions regarding the direction of the union.

The AFT Legal Department will be available to assist the Election Committee with the administration of the re-run election and compliance with this decision.

Our decision on this matter is final.

Sincerely,



Fredrick C. Ingram
Secretary-Treasurer

FCI:DS:vk

cc: Wendy Christensen, Complainant
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