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DECISION

Protest I-03-12 (Bono)
Eligibility

By email dated October 21, 2015, Gary Bono appealed the Elections Committee determination that he was not eligible to run for the office of LES division Recording Secretary due to having attended "less than 50% of the meetings for [his] Division over the past year". The Protester states that he applied for credit for one meeting in April 2015 and two in June 2015. In these cases he received an initial letter from the Recording-Secretary of the Local asking for more information. He states that he responded to these, providing the requested information, but received no further response from the Recording-Secretary, and so, as more than 30 days has passed, he claims he should be credited for those three meetings.

The Election Rules state that a candidate for division office must have attended five or 50% of the meetings held in the preceding 12 months, whichever is smaller. Mr. Bono only attended one meeting—in May, 2015—and the General Membership meeting. To have insufficient attendance for qualification, he would have to get credit for all three meetings for which he is claiming credit.

However, the record shows that he did not properly request excusal for these meetings:

- He applied to the Recording-Secretary on April 7, asking for credit for the meeting on Wednesday, March 11, due to work schedule and family obligations. On April 7, the Recording-Secretary asked him to provide his work schedule. He provided his work schedule, but it showed that his

regular days off were Tuesday and Wednesday and the meeting was on Wednesday, so presumably his work would not interfere with attending the meeting. He provided no further information.

- He applied to the Recording-Secretary on April 3, asking for credit for the meeting on April 1, due to family obligations. On April 15, the Recording-Secretary denied the request and asked him to provide more detail about the need for the excusal, but never received it.
- He applied to the Recording-Secretary on June 12 (received June 15), asking for credit for the meetings on June 3 and June 10 because he would be out of the country on vacation. On June 17, the Recording-Secretary denied the request and asked him to provide his boarding passes or a copy of his passport. He responded by providing just his return boarding pass, but not his outgoing pass as well. The Recording-Secretary's office told him he had to provide both, but received no further documentation.

Mr. Bono did not appeal any of the Recording-Secretary's actions under Article XV(7) of the TWU Constitution. I find that the Elections Committee was correct. Mr. Bono is not qualified to run.

Mr. Bono also claims that on April 1, 2015, he filed Executive Board charges regarding the failure of the Chair of the Line Equipment section to hold meetings in the morning hours to accommodate people who work during the hours of the evening meetings. He claims that these charges were appealed to the TWU International Union on May 19, 2015 and, to this date, have not been resolved. He asserts that he should therefore be credited for all meetings of the LES Section. I do not see anything in the Union Constitution or By-Laws that requires that there be both AM and PM meetings and therefore I do not have the authority to credit Mr. Bono with meetings that were not held.

The appeal is denied.

In accordance with the International Constitution and the Election Rules, any interested party unsatisfied with this determination may appeal to the Transport Workers Union of America Committee on Appeals. Any appeal shall be in writing and shall be

filed in accordance with the procedure set forth in Article IV(6)(I)(1) of the Election Rules and Articles XV and XXII of the International Constitution for the appeal to the International from decisions of Local Unions.

/s/ Barbara C. Deinhardt

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By email:
Gary Bono
Joe Campbell
Vincent O'Hara
Arthur Schwartz, Esq.
Elections Committee