

**Barbara C. Deinhardt, Esq.
Neutral Monitor
52 Third Street
Brooklyn, NY 11231
917-763-0906
718-855-2933 (fax)
neutralmonitor@gmail.com**

December 8, 2015

DECISION

Protest I-30-15 (Ferretti)
Ballot mailings

By email dated December 3, 2015, John Ferretti filed a protest alleging that members in good standing were denied their right to vote. According to the Protester, many members in RTO either received ballots for the wrong department or title or requested duplicate ballots and never received them or did not receive them in time to have their vote count in this election. He also stated that some members received campaign literature, but did not receive ballots.

As I stated in I-24-15, "Almost 32,000 ballots were mailed out by the American Arbitration Association. In addition, based on corrections/additions to the mailing list and member requests, an additional 3892 ballots were mailed out (or remailed to correct addresses). After November 18, any ballot mailed out was sent by overnight mail. 14,532 ballots were returned, a return rate of 46%. This was close to the return in the 2012 officer election and higher than average for union officer elections, according to the AAA. Once the mail is deposited with the US Postal Service or FedEx, the AAA no longer has any control over its delivery. Further, many members failed to keep their addresses updated with the Union." While the same mailing list was used for the AAA ballot mailing and for candidate/slate campaign mailings, a different mailing company was used. Sometimes the campaign mailings may have been dropped in the various boroughs rather than in Manhattan, as the ballots were, and many of the overnight duplicate/challenge ballot mailings were done by FedEx, rather than USPS. These factors may have accounted for the difference in delivery times. However, I find no evidence that there was any misconduct or failure to follow the Election Rules by either the AAA or the Union.

The protest 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 V(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

Barbara C. Deinhardt
Neutral Monitor

By email:
John Ferretti
Arthur Schwartz, Esq.
Elections Committee