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DECISION

Protest MTA Bus-1-19
Eligibility of John Tapia

By email dated July 2, 2019, Peter Rosconi filed a protest alleging that John Tapia is ineligible to run as a candidate in the MTA Bus Executive Board vacancy election. The Protester argues that Tapia ran for Vice-President from Private Bus Lines in the 2018 election and lost. The Local 100 By-Laws state that “[a] member who runs for ...Vice-President of the local in a General Election shall not be permitted to run for a Division or Section office ...within 18 months of the conclusion of the General Election.” Therefore, the Protester argues, Tapia cannot run for Executive Board from the MTA Bus Division in this election as it is within 18 months of the last election.

The Elections Committee denied the appeal on the grounds that the position of Executive Board is not a Division or Section office.

The Elections Committee is correct that the position of Executive Board, while elected from and by specific divisions, is not a “Division or Section office” within the meaning of the By-Laws. The reference to Division or Section offices in the By-Laws refers to officers ***of*** a Division or Section, such as Division or Section chair, vice-chair, and recording secretary. As is clear from the 2018 Election Rules, there are three types of offices. The first is Union-wide offices, Departmental Vice-Presidents, and Executive Board, as discussed in Article I.

The second, the rules for which are set out in Article II of the Election Rules, are Division officers and convention delegates. The third, the rules for which are set out in Article V of the Election Rules, are Section officers.

The By-Laws make clear that there is a distinction between Executive Board members and Division/Section officers. For example,

- While Executive Board members are elected from and by their respective divisions, they, along with the officers of the Union, are members of the Executive Board, the “supreme governing body in the Local Union.” Officers of the Divisions and Sections are not responsible for governing the Union, but rather just for their own Division or Section.

- Article IX(b) deals with vacancies on the Executive Board while Article IX(d) deals with vacancies among Division and Section officers. If Executive Board members were considered Division officers, the By-Laws would not make this distinction.

- Article XIII sets out different eligibility rules for Division and Section officer candidates, which are not imposed on Executive Board candidates.

Therefore, while MTA Bus is a Division, the position of Executive Board is not a Division office. Tapia is not precluded from running because he ran for Departmental Vice-President in the last election.

Protest 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(B)(9) of the Election Rules and Article XXII of the International Constitution for the appeal to the International from decisions of Local Unions.



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By email:
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John Tapia
Denis Engel
Arthur Schwartz
Elections Committee