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DECISION

Protest I-19-15 (Creegan)
Downs email list

By email dated November 11, 2015, Thomas Creegan filed a protest alleging that Steve Downs, Chair T/O Division and Chief of Staff of Local 100, has used his access to the Union email list to compile a list that he has used for campaign purposes. The Protester relies on the fact that Mr. Downs has sent campaign emails that have gone to many Union members and Mr. Creegan states that he heard “complaints from various members about receiving this email and others complaining of ‘how did they get my email address.’” According to the Protester, “Steve Downs in his capacity as Chief of Staff for the TWU should not have been acquiring email addresses from the period 2010 til present for personal use. It is one thing to acquire email addresses over time but the number could be outrageous & would involve comingling his duties for TWU & personal gain. No other opposition candidate would have that unfair advantage.” Despite repeated request, the Protester provided no evidence to support his claim that the email addresses came from the Union.

Mr. Downs asserts that he created his list over 10 years ago, before he became chair and adds to it mostly by request. He says, for example, that the Protester has been on the list since early 2006. He denies using TWU 100 lists to add to his and asserts that he does not have access to the TWU 100 membership database: “Knowing that it could be an issue during elections, I never asked to be granted access. The pick results I receive from the TA as T/O chair do not have emails on them.” He also notes that the Protester has gotten campaign emails from him in the course of this election process and so says that the Protest is untimely.

I find that the Protester has not provided evidence that Mr. Downs has used Union email lists to send campaign materials. For example, the Protester has not provided the name of any member who got an email from Mr. Downs whose email address Downs could only have gotten from the Union. The fact that Downs has compiled an extensive email list over ten years is not sufficient to prove that he used his Union position to do so.

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 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

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By email:
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Elections Committee