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DECISION

Protest TWUS-16-15
Altercation at Tuskegee

By email dated November 16, 2015, Joe Campbell, on behalf of Transport Workers United Slate, filed a protest alleging that on an unspecified date, Donald Yates, OA Division 1 Chair candidate for Stand United Slate, had a “heated confrontation” with two members who work at Tuskegee Airmen Depot, one of them being Elizabeth Rodriguez, Transport Workers United Slate’s candidate for Secretary Treasurer. According to Mr. Campbell, Mr. Yates was belligerent in his behavior, pointing his finger in Ms. Rodriguez’s face and yelling at her. When another member tried to intercede, Mr. Yates called him a name. The Protester alleges that this constitutes intimidation and asks that Mr. Yates be banned from Tuskegee Depot until the elections are over. Witnesses for SUS state that Ms. Rodriguez was the instigator of the confrontation.

I do not have to resolve the credibility dispute about what exactly happened. My jurisdiction as Neutral Monitor is to ensure compliance with the Election Rules. I do not have the authority or the ability to regulate all speech between and among members. Assuming that the “heated confrontation” was related to the election, there is no evidence that it violated the Election Rules. Generally the remedy for unwanted or defamatory or hostile speech is more, corrective speech. As I held in protest #I-02-15 (Taaffe), “Even if the statements alleged were in fact made, they do not rise to the level of a violation of the Election Rules. It is not generally the function of the Election Rules to regulate speech. If someone, such as Taaffe, disagrees with something that someone else, such as Nash and Oduro, is saying, his recourse is to correct the misinformation and to (verbally) confront the person and encourage him to stop, as Taaffe did.” As to the situation at Tuskegee Airmen Depot, while I do not condone belligerent conduct or

hostile name calling, by candidates on either slate, the remedy is to disengage from the situation or verbally confront the aggressor and encourage him (or her) to stop.

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)(l)(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:
Joe Campbell
Vincent O'Hara
Arthur Schwartz, Esq.
Elections Committee