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DECISION

Protest TWUS-04-15
Nominating Petition interference at
Tuskegee Airmen Depot

By email dated September 24, 2012, Joseph Campbell, on behalf of the Transport Workers United Slate, filed a protest alleging that the Depot Chairman at the Tuskegee Airmen Depot attempted to intimidate a member of the TWU Slate and instructed her not to speak to members in Spanish.

According to the witness for the Protester, on the morning of September 23, after her shift was over, Elizabeth Rodriguez, a member of the TWU Slate, went to the lunch room/swing room at Tuskegee Airmen Depot to collect signatures. As she was handing petitions to members to sign, Depot Chair Duane Ruffin came into the swing room and began to follow behind her, looking at what she was giving to members to sign. At one point she said something to a member in Spanish and Ruffin stated, "At this depot we speak English only." When Rodriguez objected, he said that when she spoke Spanish, he could not understand what she was saying. She said the conversation was not meant for him. She continued to try to get signatures, but several members told her that she should come back to talk to them after Ruffin had left. According to Rodriguez, Ruffin was deliberately intimidating the members to prevent them from signing her petitions. Ruffin had no reason to be in the swing room. He was there for 15 or 20 minutes.

Ruffin denies the allegations and asserts that he was in the swing room for about five minutes getting a cup of tea and talking to members. He denies following Rodriguez around or telling her that she should not speak in Spanish.

Supplemental Rules, Paragraph 3 of the Election Rules provides, “All Local Union members...retain the right to participate in campaign activities, including the right to openly support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions.”

I do not need to resolve the credibility dispute between Rodriguez and Ruffin because even assuming arguendo that Ruffin did what Rodriguez alleges he did, his actions would not constitute a violation of the Election Rules. The comment about needing to speak English, if made, did not significantly interfere with the ability of members to support the candidates of their choice.

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 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:
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Elections Committee