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CORRECTED DECISION

Protest TWUS-05-15
Nominating Petition retention at
Westfarms Depot

By email dated September 25, 2015, Joseph Campbell, on behalf of the Transport Workers United Slate, filed a protest alleging that the Division Vice-Chair and Stand United Slate candidate Tony Aiken approached a member who had collected signatures for TWU Slate Petitions and took a Petition away from her.

According to Rhonda Morrison, on September 21, she had been asked by representatives of both TWUS and SUS to solicit signatures for them and she had agreed. The TWUS representative had given her Petition ##61, 62, 63 and 64. She had started to collect names and had gotten about six or seven names on Petition #61—a few from Manhattan near where she lived and a few from Westfarms. On September 23, when she had gone upstairs at Westfarms Depot, Tony Aiken called her on her cell phone and asked her come downstairs. She met him outside the Depot near the handicap parking area. Aiken allegedly told her that he had heard that she was soliciting signatures from members in Manhattan. She said she had and he asked to see the Petition. She showed him and he said that she could only collect signatures from people in the Bronx, not Manhattan, and so the signatures were not valid. He kept the Petition. She asked for it back and said that all the Petitions had to be accounted for, but he told her to just say that she had lost it.

Aiken denies the allegations and asserts that the only conversation he had with Morrison that day was to ask if she had been able to collect any signatures and she said she had not. There were no witnesses who overheard the conversation.

Supplemental Rules, Paragraph 3 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.”

Based on a review of the evidence, I credit the evidence that establishes that Aiken told Morrison that her signatures were not valid and took her Petition. Petitions Morrison’s statement was very detailed and was very limited. For example, she did not claim that she had a full Petition. Rather, she asserted only that she had only six signatures. It may be that Aiken had real questions about whether the signatures Morrison had collected were legitimate, but he should not have taken the Petition. TWUS will be credited with six signatures on Petition #61. The other remedies requested by the Protester are denied.

The protest is sustained in part and denied in part.

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