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November 4, 2015

DECISION

TWUS-09-15
Eligibility Russell

By email dated November 1, 2015, Joe Campbell, on behalf of the Transport Workers United Slate, appeals the decision of the Elections Committee to list the members of the TWUS Division officer and delegate candidates as independent candidates, following the disqualification by the Local 100 Executive Board of Michael Russell for Recording Secretary of the Car Maintenance Division. The Protester requests an opportunity to replace Russell with another candidate, thereby allowing the candidates to continue as part of the TWUS. According to the Protester, "Those on the Executive Board who set Mr. Russell's penalty were Samuelson Slate candidates. Obviously, it was not the intention of 14 individual candidates in Car Maintenance to run as independents. In the 2012 elections, Chichel Defran, from the School Bus Para-transit Division was removed from a crucial Division position and we were allowed to replace her. We are asking for that consideration in this election."

In 2012, I permitted TWUS to replace Cecil Defran following her disqualification. I specifically noted, however, that this was because of the delay of the Elections Committee in verifying her eligibility that prevented TWUS from nominating an alternate candidate for chair at a later section nomination section. These circumstances do not apply here. The Rules require that a slate have a candidate for Recording-Secretary in order for division candidates to be listed on the slate line. Here, TWUS does not have such a candidate and so the candidates must be listed as independents.

Further, while this is not determinative, I note that charges were filed against Mr.

Russell on August 10, well before the Car Maintenance Division nomination meetings on September 23. The Protester has admitted that the Slate knew before the nomination meetings that there was a risk that Russell would not be permitted to run for office, yet it chose not to substitute another candidate at that time.

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 Transit 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:
Joe Campbell
Arthur Schwartz, Esq.
Vincent O'Hara, Esq.
Elections Committee