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DECISION

Protest TWUS-14-15
Improper use of Union resources

By email dated November 11, 2015, Joe Campbell, on behalf of the Transport Workers United Slate, filed a protest alleging that the Stand United Slate used Union resources to support its campaign. In specific, the Protester alleges that on November 10, witnesses saw a banner reading, "Stand United To Win" hanging on the management office cubicle at the 215 Street Signals Repair Shop. According to the Protester, the poster contains the Union logo and the words Stand United. It is roughly 5' long and about 2½' wide. The Protester argues that this is campaign material paid for by the Union and posted with the obvious approval of management. As a remedy, the Protester seeks the removal of the banner "and a sizable donation be made to the TWU Local 100 Widow's and Orphan's fund by the Stand United Slate."

According to the Union witnesses, the banner has been hanging at the 215th St Shop for over two years. It was made for a rally during contract negotiations and does not constitute campaign material. No witness was able to say who made the banner or exactly when.

Supplemental Rules, Paragraph 5(B), of the Election Rules provides, "No Local Union services, facilities, equipment or goods...shall be used to promote the candidacy of any individual or slate unless the Local notifies all candidates of the items available for use and all candidates are provided equal access at equal cost for such goods and services."

Contrary to the assertion of the Protester, the banner does not say Stand United. It reads, "215th STREET SHOP ***Stands*** *United* to WIN." (emphasis added) It has been hanging in the shop for over two years and was not made as a campaign banner. However, I find that in the context of the election, the language of the banner could confuse some members. It could be read as campaign material and, bearing the Union logo, could be interpreted as an endorsement by the Union of the Stand United Slate. I have already directed that the banner be removed or covered up for the duration of the election period. I find no basis for ordering any further remedy.

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 V(6)(1)(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:
Joseph Campbell
Arthur Schwartz, Esq.
Vincent O'Hara, Esq.
Elections Committee