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**DECISION**

Protest I-02-224 (ST campaigning  
on paid time)

By email dated September 9, 2024, Deniss Liba filed a protest alleging that William Ortiz, a candidate on the Stronger Together Slate, was campaigning at the Jerome Garage on Thursday afternoon, September 5, at 3:20 PM, with members who were supposed to be working. He did not have permission from management to be campaigning. Mr. Ortiz stated that he arrived at the garage at around 1:30 and talked to members in the lunchroom before their shift started. He denied calling members away from work to talk to them about the campaign.

As a threshold matter, I find that the protest is untimely. According to the Article IV(B)(1) of the Election Rules, a protest has to be filed within 48 hours of the time the protester knew or should have known of the alleged violation. Here Mr. Liba knew of the incident at least by 3:20 on September 5. The protest was not filed until 3½ days later. It is untimely.

Even if the protest were timely, I find that the Protester has not provided sufficient evidence to prove that Mr. Ortiz was campaigning on time paid for by the Employer or with members who were on work time. Mr. Ortiz states that he talked to members from around 1:30-1:50. He supplied a photograph of the Jerome Garage that was time stamped at 1:25 on the day in question, a photograph he says he took on his way through the parking lot before going up to the cafeteria. He says that after he spoke with the members he found in the cafeteria, he then spent some time putting up campaign flyers before being confronted by the Protester. The Protester provided

only hearsay evidence from one unnamed member who said that the meeting was at 3:00. The Protester also stated that “it wasn’t campaign related questions discussed during his speech. He was discussing Jerome shop business which led to a stress ruining a peaceful atmosphere and environment in a shop.” Thus the purpose of the “meeting” was not primarily to campaign but to discuss working conditions in the shop. Under all the circumstances here, that conduct does not constitute a violation of the Election Rules. 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(B)(9) of the Election Rules and Article XXII of the International Constitution for the appeal to the International from decisions of Local Unions.



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By email:  
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Elections Committee