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October 20, 2025

DECISION

I-02-25vac3 (campaign on
paid time)

By email dated October 13, 2025, Kevin Mahase filed a protest against Jermahl Massie, a candidate for the vacant Executive Board position, alleging that Mr. Massie conducted campaign activities on time paid by the Transit Authority. Specifically, the Protester alleges:

- Mr. Massie swiped out from work at 3:45 on October 3, 2025, but got paid until 4:00. He then picked up his petitions at 4:33 at the Union hall, even though it takes at least 45 minutes to go from Brighton Beach where he works to the Union hall.
- Todd Brown, who collected signatures for Mr. Massie, was not in good standing.
- Some of the members who signed Mr. Massie's petitions advised the Protester that on the dates they signed, Mr. Massie was on MTA time.

According to Mr. Massie, it only takes him a half hour to get from his work to the Union hall. He left work at 4:00. Mr. Brown is a member in good standing. He only solicited signatures before or after work or on his breaks, except on October 10, when he took a vacation day.

I first note that the protest is untimely. Under the Election Rules, a protest must be filed within 48 hours of the time the Protester knew or should have known of the incident giving rise to the protest. Here, the actions protested occurred more than 48 hours before the protest was filed. Further, even if timely, I find that the protest must be denied. First, it is undisputed that when Mr. Massie picked up his

petitions, at 4:33 PM on October 3, he was not on TA-paid time. His shift ends at 4:00. If he clocked out early, that issue is between him and the Transit Authority. As to Mr. Brown, I have verified that he is a member in good standing. Because he had a break in continuous good standing, he is not eligible to run for office, but he is now a member in good standing and may collect signatures. The evidence presented by the Protester is not sufficient to establish any particular day and time when Mr. Massie collected signatures when he was not on a break during work as he claims.

I find that the Protester has not met his burden of proving that Mr. Massie was campaigning during work time in 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.

A handwritten signature in black ink, appearing to read "Barbara C. Deinhardt".

Barbara C. Deinhardt
Neutral Monitor

By email:
Kevin Mahase
Jermahl Massie
Arthur Schwartz, Esq.
Denis Engel, Esq.
Elections Committee