

**Barbara C. Deinhardt  
Neutral Monitor  
917-763-0906  
neutralmonitor@gmail.com**

September 20, 2024

**AMENDED DECISION**

Protest I-04-2024A (campaigning  
on paid time)

By email dated September 17, 2024, Robert Mac filed a protest alleging that Chris Drummond, a candidate on the Progressive Action Slate, was campaigning on work time at the East New York Train Yard on Tuesday afternoon, September 16, at 1:30 PM. Mr. Drummond provided evidence that he was in unpaid no work medical status on that day.

I find that the Protester has not provided sufficient evidence to prove that Mr. Drummond was campaigning on time that is paid for by any employer. Election Rules VI(E)(5) states:

5. No candidate or other member may campaign for her/himself or for any other candidate during time that is paid for by the Local Union or by any employer. However, campaigning incidental to regular Local Union business or during paid vacation, paid lunch hours or breaks, or similar paid time off, is permitted. This prohibition includes campaigning during the employee's regular tour of duty while out on paid sick leave, FMLA, Workers Compensation, disability leave, or in paid-no work status. If a candidate or other member who wishes to campaign is on paid sick leave, FMLA leave, Workers' Compensation leave, disability leave, or in paid-no work available status, they must notify the Elections Committee (which may create a form) and the Neutral Monitor, in writing, prior to campaigning, setting forth his or her regular tour of duty.

The Rule makes very clear that the restriction applies only to those on paid leave, not unpaid leave. While the Protester argues that the Rule should apply equally to those on unpaid leave, it does not. I find no basis for concluding that campaigning while on unpaid leave constitutes the improper acceptance of a contribution from an employer, the basis of the restriction. There is no other provision of the Rules that

would prohibit him from campaigning. I therefore do not need to reach the questions of whether he was in fact campaigning or what would have been his regular tour had he not been out of work.

Protest 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.



Barbara C. Deinhardt  
Neutral Monitor

By email:  
Robert Mac  
Chris Drummond  
Kia Phua  
Arthur Schwartz, Esq.  
Denis Engel, Esq.  
Elections Committee