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September 20, 2024

DECISION

Protest I-05-2024 (campaigning
on paid time)

By email dated September 17, 2024, Robert Mac filed a protest alleging that John Ferretti, a candidate on the Progressive Action Slate, was campaigning on work time when he picked up petitions at the Union Hall on Monday, September 15, at 12:00PM. Mr. Ferretti asserts that he in fact picked up the petitions by about 11:15AM that day. While he is now on paid Workers' Compensation leave, his regular tour of duty prior to being on Workers' Compensation was 11:53-20:49. Further, he argues he had previously been approved for vacation for the day in question and the succeeding three weeks and so he should be treated as if he was on vacation and permitted to campaign or engage in election-related activities at any time.

I find that the Protester has not provided sufficient evidence to prove that Mr. Ferretti was campaigning on work time. 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 Election Committee confirms that Mr. Ferretti signed in to pick up petitions at 9:54AM on Monday September 15 and was there for about an hour. While

Mr. Ferretti is now out on Workers' Compensation, his regular tour began at 11:53. He therefore could engage in campaign activities before 11:53. Because of this finding, I do not need to address the issue of whether Mr. Ferretti should be considered to have been on vacation on September 15.

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.



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