

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

September 5, 2022

**DECISION**

Protest I-1-22 (Supp Rule 10)

By email dated August 30, 2022, Rosalia Pannizzo, by her attorney Jeanne Mirer, filed an appeal alleging that Supplemental Election Rule 10 violates the Election Rules and discriminates against Ms. Pannizzo. According to the Petitioner, the Rule improperly requires that all Nominating Petition signatures must be from MaBSTOA employees working in Division 1 and that if a candidate is not presently working in Division 1, s/he must pick into the Division at the next pick or be disqualified from holding office.

As a threshold matter, I find that the protest/appeal is untimely. The Rule protested was published on August 25, 2022. The Nominating Petitions, which bear the language that all signators must be MaBSTOA Division 1 members *working in the Division*, are the same as have been used in prior elections and, in this election, were supplied to Ms. Pannizzo on August 22, 2022. The Rules require that any objection had to be made within 48 hours.

On the merits, I find that, contrary to the Petitioner's assertion that "[t]hese rules imply that only persons working out of Manhattan garages may be a candidate," the Rule does not disqualify her from running for office. She is eligible to be on the ballot if she collects at least 218 valid signatures from MaBSTOA employees working out of Division 1. This Rule is consistent with past elections, e.g. 2015, 2017, 2018 and 2021. It also makes sense. Candidates should be nominated by those

employees who can then vote for them. The only employees who can vote in this election are those currently working out of Division 1.

The second part of the Rule states that if a MaBSTOA Division 1 employee is not currently working out of Division 1, she will have to pick back into Division 1 at the next opportunity. The Election Committee asserts that “[t]his is only logical. Someone working in the Flatbush Depot cannot be the representative of the four depots located in MaBSTOA Division I.” I find that the Rule is not an unreasonable one to achieve the Union’s objective to ensure that the members’ representatives work out of the same Division as and alongside those they represent. Petitioner argues that “[t]his supplemental rule appears to be directed solely at disqualifying Ms. Pannizzo from running for this seat, as she is the only person running who is a Mabstoa Division 1 bus operator who is working out of a Brooklyn garage, and the only other person running is out of Manhattan.” As noted above, this Rule does not disqualify her from running for office. Further, as Ms. Pannizzo is the first MaBSTOA candidate who has not been working out of a MaBSTOA division, her candidacy presented the first situation that required such a clarification.

The appeal/protest is denied, both on timeliness and on the merits.

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:

Jeanne Mirer, Esq.

Rosalia Pannizzo

Tony Utano

Arthur Schwartz, Esq.

Denis Engel, Esq.

Elections Committee