

**Barbara C. Deinhardt**  
**Neutral Monitor**  
**917-763-0906**  
[neutralmonitor@gmail.com](mailto:neutralmonitor@gmail.com)

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**DECISION**

Protest I-01-24 (Valdes re:  
employer contribution to Davis)

By email dated June 17, 2024, Benjamin Valdes filed a protest alleging that Richard Davis, a likely candidate for president of the Union in the upcoming elections, received a contribution from a representative of an employer when on January 18, 2024, Heron Wilson, a MaBSTOA bus dispatcher, attended a fundraiser billed as a "Campaign Kickoff" for the "Elect Richard Davis" campaign. The fundraiser had an \$80 admission fee. The Protester alleges that this constituted a violation of the Election Rule that states, "No candidate for election shall accept or use any contributions or other things of value received from any employer, representative of an employer, foundation, trust, union or similar entity." (VI. Supplemental Rules, part E. Campaign Contributions) According to the Protester, Mr. Wilson I's a dispatcher, which is a supervisory position. Dispatchers (Surface Transportation), assign Bus Operators to their runs; direct the dispatch and movement of buses within the assigned sector; handle unusual occurrences in service, and determine ways to minimize delays; ensure the observance of rules and procedures pertaining to bus operations; make computations relative to bus schedules, earned pay hours and leave allowances; investigate accidents, unusual occurrences and operational equipment failures; ensure revenue security; keep time records; prepare reports; communicate via radio or telephone with Bus Operators, other Dispatchers, management and the public. They also operate Authority vehicles on the road or in the yards, when required, and perform related work."

According to John Chiarello on behalf of the Davis Slate, Mr. Wilson is not a representative of the employer. He is in fact a member of TWU Local. 106. While he may be a supervisor, he is a non-managerial employee under the Taylor Law. Mr.

Chiarello also states that no one from the likely slate had any discussions about the election with Mr. Wilson at the fundraiser. In addition, the \$80 admission fee was used in part to defray the cost of the event, including the meal and beverages.

The Supplemental Rules prohibit contribution from, inter alia, any employer or representative of an employer, but specifically protect the right of members of the TWU (Local 100nor the International) to make contributions, unless that member is him or herself an employer. There is no evidence that Mr. Wilson is an employer. The allegation is that he is a representative of an employer. I do not need to determine whether the alleged violation here is de minimis or whether the passage of time has so attenuated the incident that it is no longer requires a remedy, if it ever did, or whether a representative of an employer (as opposed to an employer) who is also a TWU member is permitted to make contributions because I find that the Protester has not met his burden of proving that a dispatcher is a representative of an employer.

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:  
Benjamin Valdes  
Richard Davis  
Arthur Schwartz, Esq.  
Denis Engel, Esq.  
Elections Committee