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DECISION

Re: Protest I-20-2024 (appeal
eligibility ruling)

By email to the Election Committee dated October 26, 2024, Nasar Abdur-Rahman filed an appeal to an October 25, 2024 determination of the Election Committee that Theresa Rodriguez was not eligible to run for convention delegate because she did not have 12 months of continuous good standing. Ms. Rodriguez is a pregnant bus operator who applied for a reasonable accommodation due to a pregnancy. She was out of work allegedly due to the TA refusal to grant her such an accommodation. It is undisputed that she missed a dues payment while she was out of work. She asserts that she was not informed that she should have applied for exoneration or paid her dues herself.

The Election Rules I(C) state:

“To be eligible for nomination for any of the above positions, a member must be in continuous good standing in Local 100 since September 16, 2023. **Exonerations for periods of non-payment shall be granted only if the member makes the proper application as per Article XIII Section 1 and Article XVII Section 4 of the TWU Constitution. Such a request must be made by the 15th day of the month after the month during which the illness or injury, and related non-payment of dues arose.**

The exonerated period may not continue for more than 12 months.” (emphasis added)

Article XVII (4)(a) of the TWU Constitution states,

“Any member who is prevented by illness, injury, or lay-off from earning any wages in a calendar month shall be excused from paying dues for such month and

such nonpayment shall not affect his good standing ... **In order to be excused, such member shall be required to file with his/her Local Financial Secretary-Treasurer a request for exoneration** on the official form supplied by the International Secretary-Treasurer.” (emphasis added)

There is no evidence that Ms. Rodriguez received any pay from the TA for the period during which she failed to pay dues. Thus, check off was not available to her for that period. Further, there is no evidence that Ms. Rodriguez made a request for exoneration of dues. Given that the requirement to request exoneration is stated in both the Election Rules for this election and the last election, as well as in the Union Constitution, as well as in past decisions of the Neutral Monitor (see, e.g., 1-07-21 (Byars eligibility)), Ms. Rodriguez is not excused from making such a request because she says she did not know about it.

Appeal 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:
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Elections Committee