

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

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DECISION

Protest PA-02-24 (improper nomination)

By email dated October 19, 2024, Benjamin Valdes filed a protest on behalf of the Progressive Action Slate alleging that on October 9 tower operator Kristian Magwood accepted the nomination to be Vice-Chair for the B Division Conductors/Towers Division as a conductor. However on October 14 she began tower operator class, meaning she is no longer a conductor. According to the Election Rules a slate must have one tower operator run as Vice-Chair, but now the Members First slate has two tower operators running as Vice-Chair for the Conductors/Towers Division, as William Broome is a tower operator also running for that spot. The Protester contends that Ms. Magwood must be removed from the ballot.

According to the Election Committee, there are not two people running for the same spot. Kristian Magwood was nominated for B Division Vice-Chair of Conductors. William Broome was nominated for the Towers Vice-Chair. The Rules state that a slate in the Conductor/Tower Division needs one chair, one vice-chair (either A Division, B Division, or Tower Vice-Chair) and a Recording Secretary. A slate can have up to four Vice-Chair candidates—one A Division, two B Divisions and a Tower.

Further, Ms. Magwood was a conductor at the time of being nominated. While she got promoted to a probationary tower operator on October 14, she still has the ability to go back (or the TA could send her back) as a conductor for up to a year. Since Ms. Magwood met the requirement when she was nominated and accepted, she should be allowed to appear on the ballot as a B Division Vice-Chair for Conductors. Should she win and choose to not go back to conductor at the start of the term, she should then have to vacate her position and a special election then be had.

As a threshold matter, I find the Protest to be untimely. Ms. Magwood was promoted on October 14 and the Protest was not filed until five days later. On the merits, I find no basis for overturning the determination of the Election Committee that Ms. Magwood was a conductor at the time she was nominated and can go back to her conductor job for up to a year. Further, she and Mr. Broome are not running for the same position. She is running for Conductor Division B Vice-Chair and Mr. Broome is running for Tower Vice-Chair.

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.



Barbara C. Deinhardt
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By email:
Benjamin Valdes
Arthur Schwartz
Denis Engel
Elections Committee