

**General Rules For Electing Officers In
Transport Workers Local 100
Brooklyn, NY**

Pursuant to an order signed on December 5, 2013, by Judge Laura Taylor Swain of the U.S. District Court for the Southern District of New York, Transport Workers Local 100 will conduct a new election for the positions of Executive Board Members – Car Maintenance Division and Executive Board Members – Train Operators Division under the supervision of the Secretary of Labor. The Office of Labor-Management Standards (OLMS) of the U.S. Department of Labor is responsible for assuring that the election is conducted in accordance with Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) and, in accordance with that responsibility, has established the following rules for the supervised election.

1. Election Supervisor

Investigator Henry C. Fleary has been appointed Election Supervisor and has the authority and responsibility for implementing all aspects of the supervised election. All questions, correspondence, or protests should be directed to him at the following address:

Henry C. Fleary, Election Supervisor
New York District Office
201 Varick Street
Suite 878
New York, NY 10014

2. Application of Transport Workers 100 Constitution/Bylaws

The election will be conducted, insofar as lawful and practicable, in accordance with the provisions of the Transport Workers International Constitution dated September 14-16, 2009 and the Transport Workers 100 Bylaws dated July 2008.

3. Officers to be Elected

As provided in the court order, a new election will be conducted for the positions of Executive Board Members – Car Maintenance Division and Executive Board Members – Train Operators Division.

4. Term of Office

The term of office will be for the remainder of the unexpired term which will end on December 31, 2015. Installation for those elected will occur at the April 2014 Executive Board meeting.

5. Eligibility to Hold Office

In accordance with Article 15, Section 1 of the Transport Workers International Constitution, in order to be eligible to hold office a person must be a member in good standing of his/her local union for a period of twelve (12) months immediately before nominations and current in the payments of dues.

Pursuant to the December 5, 2013 court order, Local 100 shall not be required to reopen nominations for the positions to be elected in the Supervised Election, unless the position is uncontested. Thus, eligibility will be based on being a member in good standing for the 12-month period ending January 2014. Candidates who were disqualified by the Local 100 Election Committee pursuant to the bylaw provision Article XI, section (d) during the 2012 Election shall be permitted to run for office without the need to submit petitions.

Section 504 of the LMRDA prohibits persons convicted of certain crimes, including robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, and violations of Title II of the LMRDA, from holding office for 13 years after conviction or after their release from imprisonment, whichever is later.

6. Nominator Eligibility

Not applicable because the positions are contested in the supervised election.

7. Election Notice

An election notice will be mailed to the members of the Car Maintenance Division and the Train Operators Division in the following manner:

- (a) An election notice will be mailed on February 25, 2014, to members who are delinquent in dues payment resulting in being in bad standing, accompanied by a notification from Local 100 that they must take action to reinstate their eligibility to vote, and Local 100 shall provide reasonable opportunity for these members to become members in good standing prior to the ballot count. Notices will also be posted on the union web site and at all employer work sites on the union bulletin boards.

The Election Committee will also attempt to obtain updated addresses for those members whose election notices are returned undelivered. The Local 100 Election Committee, OLMS representatives, and interested candidates or their observers will visit the designated POB at the Cadman Plaza Post Office on the following date:

- March 10, 2014, at 11:00 a.m. to collect any undeliverable notice of election which were mailed to members on February 25, 2014.
- (b) An election notice and ballot will be mailed on March 20, 2014, to all members who are in good standing as of February 2014. Notices will be posted on the union web site.

Notices will also be posted at all employer work sites on the union bulletin boards.

The election notices will advise members of candidate eligibility requirements, offices to be filled, and the date, time, and place of the ballot count. In addition, the notice will advise members of voter eligibility requirements and outline details of the mail balloting procedures.

8. Nomination Meeting

Pursuant to the December 5, 2013 court order, Local 100 shall not be required to reopen nominations for the positions to be elected in the Supervised Election, unless the position is uncontested.

9. Determining Candidate Eligibility

The Election Committee in conjunction with Department of Labor representatives will review union records to verify the 12 months of good standing of all the candidates.

10. Candidate Meeting

The Election Supervisor will meet with the Election Committee as well as all interested candidates on January 22, 2014, at 4:00 p.m. in the Local 100 union hall to discuss campaign rules and restrictions, inspection of the Local 100 membership list, distribution of campaign literature, and observers.

11. Campaign Literature

The LMRDA requires that all candidates be treated equally regarding the opportunity to campaign. In addition, Section 401(g) of the LMRDA provides that any money received by Local 100 or any other labor organization by way of dues, assessments, or similar levy, or monies of any employer may not be used directly or indirectly to support the candidacy of any person in a union officer election. This prohibition extends to equipment, vehicles, office supplies, records, and personnel of the Local 100 or any other labor organization and to employers, whether or not they employ Local 100 members. Accordingly, union officers and employees may not campaign on time paid for by the union.

The LMRDA also prescribes that members, in the exercise of the right to support candidates of their choice, may not be subjected to penalty, discipline, or reprisal of any kind by a labor organization or its members.

12. Inspection of Membership List

Once within 30 days before the mailing of ballots, each candidate has the right to inspect a list containing the names and last known addresses of all Local 100 members subject to a collective bargaining agreement. No candidate is entitled to a copy of the list.

The membership list will be maintained in the Local 100 Election Committee office, and will be available for inspection beginning on February 18, 2014 from 9:00 a.m. to 4:00 p.m., Monday through Friday until March 19, 2014. Any candidate who wishes to inspect the list should notify David Francis, Local 100 Election Committee Chairman, at (212) 873-6000 extensions 2059, 2061, or 2089. The Election Supervisor or OLMS representatives will be present during the inspection of the list.

13. Distribution of Campaign Literature

Each candidate shall be permitted a reasonable opportunity, equal to that of any other candidate, to have literature mailed, via the U.S. Postal Service, to all or part of the division membership, at the candidate's expense. Each candidate is entitled to a reasonable number of mailings, whether or not any other candidate makes such request(s). Requests for mailing shall be made to the Election Committee at least five (5) days before the desired mailing date. The mail list will be transmitted by the Election Committee to the mailer designated by the Election Committee.

Each slate or individual candidate not on a slate shall also be permitted to send up to five (5) emails, no more than one in any week, to all or part of the division membership for whom the Local Union maintains email addresses, at the candidate's expense. Request for e-mailing shall be made to the Election Committee at least five (5) days before the desired e-mailing date. The e-mailing list will be transmitted by the Election Committee to the vendor designated by the Election Committee.

Each slate or individual candidate not on a slate shall also be permitted to send up to two (2) phone blasts, no more than one in any week, to all or part of the division membership for whom the Local 100 maintains phone numbers, at the candidate's expense. Requests for phone blasts shall be made to the Election Committee at least five (5) days before the desired phone blast. The list of phone numbers will be transmitted by the Election Committee to the vendor designated by the Election Committee.

All written requests will be honored in the order received.

Arrangements will be made by the Election Committee with a professional mailer to handle the mailing of campaign literature, and a vendor qualified to handle the mass transmission of e-mails and phone calls.

All cost for the mailing or emailing of campaign literature will be borne solely by the candidate. Costs associated with the mailings include, but are not limited to:

- a) Address labels, materials, and labor
- b) Postage
- c) Fees as determined by the outside mailer/e-mailer.

The outsider mailer chosen shall be one prepared to provide candidates with either bulk rate or first class service at the candidate's expense. Once the Election Committee is contacted by the candidate regarding the volume of the mailing, the vendor will inform the candidate of the estimated cost of the mailing. Cost will vary according to volume.

Payment by cashier's check or cash must be made upon delivery of the campaign materials to the mailer. No personal checks will be accepted by the mailer. The Election Supervisor or OLMS representatives will be present.

14. Voter Eligibility

A ballot will be mailed to every person who is a member in good standing of Local 100 in the Car Maintenance and Train Operators divisions as of February 2014. In order to have his/her ballot counted, a member must be in good standing at the time of the tally of ballots on April 11, 2014 (dues must be paid through February 2014).

The Election Committee will compile a list of all members in good standing when ballots are mailed on March 20, 2014. Members not receiving a ballot, members who bring themselves into good standing after February 15, 2014, or new members may request a ballot by contacting Election Committee Chairman David Francis directly at (212) 873-6000 extensions 2059, 2061, or 2089, no later than 4:00 p.m. on April 7, 2014.

15. Ballot Preparation and Mailing

The Election Committee and the Election Supervisor will design the official ballot and comprehensive voting instructions. The printing, acquisition, custody, control, and distribution of ballots will be under direct OLMS supervision. In addition to the ballot, the Election Committee will arrange for consecutively-numbered ballot return envelopes pre-addressed to the official U.S. Post Office boxes obtained specifically for the election. The union will purchase the U.S. Post Office boxes on or about February 1, 2014. The Election Supervisor will retain possession of the U.S. Post Office box keys during the election. The cost of all election materials will be borne by Local 100.

The Election Committee and OLMS representatives will meet at the Local 100 office, on the following dates to prepare the election materials and ballots for mailing:

- a) On February 25, 2014, an election notice will be mailed to members who are not in good standing. The election notice will include language that delinquent members should contact the union office to resolve their outstanding balance if they wish to vote in the supervised election on April 11, 2014. Instructions to receive a ballot after the scheduled March 20, 2014 mailing to eligible members will be provided to the delinquent members in case they bring themselves into good standing prior to the election.

The union will also post notification on its web site advising members, who are delinquent in dues, how they can take steps to pay their outstanding balance if they wish to vote in the supervised election.

- b) On March 20, 2014, an election notice and ballot will be mailed to all eligible members. The election notice and ballot will be mailed to all eligible members as of February 15, 2014. Each member eligible to vote will be mailed:

- voting instructions
- one unmarked ballot
- one small envelope marked "secret ballot envelope"
- one larger return envelope addressed to the Election Committee with member identification number and voter's name and address label. (The identification number will correspond to a member's number on the eligibility list and will be used only for ballot control purposes.)

The voting instructions will advise a member to mark his/her ballot in private, seal it in the secret ballot envelope, and place the secret ballot envelope in the return envelope addressed to the Election Committee. A pre-printed label with the member's name and address will be placed in advance on the ballot return envelope. In addition, this label will bear the identification number that will be used to verify the return envelope is from an eligible member. A voter must mail the return envelope so as to be received no later than 8:30 a.m. on April 11, 2014.

The election notice mailed to all Local 100 Car Maintenance and Train Operators division members, and posted on the union web site and work sites, will advise that any member not receiving a ballot by March 27, 2014, should request a ballot from Election Committee Chairman David Francis at (212) 873-6000 extensions 2059, 2061, or 2089. Requests for replacement ballots must be made by no later than 4:00 p.m. on April 7, 2014.

The Election Committee will also attempt to obtain updated addresses for those members whose ballot packages are returned undelivered. The Local 100 Election Committee, OLMS representatives, and interested candidates or their observers will visit the designated POB at the Cadman Plaza Post Office to obtain ballot packages returned undelivered on the following dates:

- (a) March 25, 2014, at 11:00 a.m.
- (b) April 2, 2014, at 11:00 a.m.

New ballots will be mailed to members with updated addresses by April 7, 2014.

16. Collection and Tally of Ballots

At 8:30 a.m. on April 11, 2014, the Local 100 Election Committee, OLMS representatives, and interested candidates or their observers will pick up the ballots from the Cadman Plaza Post Office. Postal authorities will be instructed that ballots are not to be released under any circumstances until the scheduled time. After picking up the ballots, the Election Committee and OLMS representatives will transport them to the tally site at the Local 100 union hall.

The Election Committee will tally the ballots under the supervision of OLMS representatives. The counting process will continue non-stop until completion. Before actually counting the ballots, the Election Committee will verify that all ballots are from eligible members, using an updated eligibility list. Each voter's name will be marked off the eligibility list to insure that no member casts more than one ballot.

After voter eligibility is checked, the outer envelope will be opened and the secret ballot envelopes removed. After mixing, the secret ballot envelopes will be opened and the ballots stacked for counting purposes. These procedures will insure ballot secrecy. During the counting of ballots, only Election Committee and OLMS representatives will physically handle the ballots. However, candidates or their observers will be permitted to watch the entire counting process. All ballots, counted and uncounted, will be kept in view of the observers at all times. Write-in votes are not permitted. The candidate who receives the greatest number (plurality) of votes cast will be declared elected. In case of a tie vote, the outcome of the election will be determined by a runoff election under the supervision of the OLMS Election Supervisor.

17. Observers

Each candidate is entitled to have observers present at the various stages of ballot mailing and tally. An observer must be a member of Local 100 and a candidate may act as his/her own observer. No ballot-related function will take place without OLMS representatives present, and observers will be given notice and opportunity to attend. Observers will be required to present identification and sign an observer register. Candidates should submit the names of their observers in writing to the Election Committee.

18. Installation of Officers

Newly elected officers will be installed at the April 2014 Executive Board meeting.

19. Preservation of Records

Local 100 will post the results of the election at the Local 100 hall, web site, and on union bulletin boards and will preserve all election records for a period of one year.

20. Election Protests

In order to be acted upon, all protests concerning the conduct of the election must be in writing and received by the OLMS Election Supervisor no later than 4:00 p.m. on April 21, 2014.

In conclusion, it should be clearly understood that all phases of the nominations and elections of Local 100 officers are subject to U.S. Department of Labor supervision. No aspect should be conducted without prior consultation with and approval by the OLMS Election Supervisor or his designated representatives.

It should also be noted that the above rules and regulations are not all inclusive. Additional election rules or clarifications may be promulgated by the OLMS Election Supervisor as needed during the election period.