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December 10, 2024

**DECISION**

Protest ST-12-2024 (access to TA property)

By email dated December 9, 2024, Evangeline Byars filed a protest alleging “that on December 9th, a directive was sent out that was not included in the memo you referred me to on December 6th. Now, on December 9th, I am being instructed to “speak to the manager in charge” rather than using email communication. This sudden change in procedure is being introduced just two days before ballots are to be picked up on the morning of December 11th, 2024. The timing and lack of prior communication are deeply concerning. I also want to remind everyone that I was never provided a list of properties or contact information as outlined in the May 30th Memo. This critical information is available to the incumbents but was withheld from me, creating an unfair advantage.”

I assume that the December 9 directive to which the Protester is referring is a December 9, 2024 email from me to Ms Byars stating, “I have been advised by TA management that you may present yourself at NYCTA, MaBSTOA, and MTA Bus locations, ask to speak to the “Manager” in charge, and request access to campaign in non-work areas during non-work time. No amended memo will be forthcoming.” I further assume that the memo she refers to as having been directed to her on December 6 was the NYCTA May 30, 2024 memo from Aliaa Abdelrahman, Deputy Chief of Labor Relations, which I forwarded memo to Ms. Byars on December 6, telling her that “I have been informed by management at the Transit Authority that the attached memorandum has been sent to TA supervision. You would be specifically covered by the provisions of paragraph #2, among others. Supervision at the two

locations where you had problems on Thursday will be reminded to allow you access for campaigning purposes pursuant to the guidelines set forth in the memorandum. There was a misunderstanding due to your disciplinary status.”

The May 30, 2024 memo reads as follows:

**To:** All Department Heads/Labor Relations Representatives  
**From:** Aliaa Abdelrahman, Deputy Chief, Labor Relations  
**Re: UNION ELECTION CAMPAIGNS**

The guidelines listed below are periodically issued by the Office of Labor Relations to provide assistance to managers and supervisors during union election campaigns.

It is imperative that all managers and supervisors maintain neutrality and refrain from commenting on any aspect of a union election or campaign. Managers and supervisors should not engage in discussions nor offer any opinions. Actions which could be construed as favoritism to any particular group should also be avoided.

The guidelines to be followed in connection with union election campaigns on NYC Transit Authority property are as follows:

1. Employees may campaign at their own work location during non-working hours in non-work areas (for example, in those portions of swing rooms where work related activity is not taking place) as long as such campaigning does not interfere with work being performed by Transit employees and does not cause a disruption in the location.
2. Employees may campaign in work locations other than their own, subject to prior notice and approval of the supervision in charge of that location. Such campaigning shall be limited to non-work areas during non-working hours and shall not interfere with work being performed by employees and/or the operations of NYC Transit.

Permission to campaign shall be granted where the person properly identifies themselves to the supervisor in charge of the location, and represents that they are not campaigning during their work hours or is not seeking to perform any function other than campaigning or other allowed activity. Permission shall not be unreasonably withheld. Such approval shall be subject to time and place regulation only if there is an excessive number of

persons who seek to campaign at the same time or there is a disruption or other unusual condition which makes campaigning inappropriate at a particular time or place. Such regulation shall not be applied so as to favor any candidate or group of candidates in the election.

3. Existing security protocols must be complied with by all individuals seeking access to a particular location.
4. Amplification devices, e.g. megaphones or similar equipment, may not be utilized within any facility or on the property outside a facility where it would interfere with ongoing work or could cause a disruption.
5. Campaign literature may not be posted on NYC Transit property except on designated union bulletin boards. In addition, photocopiers, faxes, scanning devices, or other NYC Transit electronic equipment shall not be used to reproduce or disseminate campaign literature.
6. Formal campaign meetings or assemblies on NYC Transit property are strictly prohibited.
7. The release of employees from work to discuss or participate in union elections is strictly prohibited.

Please be certain to share this information with your staff. If you encounter any questions or seek clarification please contact your respective departmental Director of Labor Relations.

There is nothing in this memo that says anything about having to seek prior permission via email, as alleged by the Protester. There is no “sudden change in procedure” expressed in either the December 6 or December 9 email. Nor is there anything in the May 30 memo “outlining” or referring to “a list of properties or contact information,” as alleged by the Protester.

It is my position that I ruled on the issue of the information request related to properties/locations on November 7. As I held in my decision of December 8, 2024 in ST-11-24, if Ms. Byars objected to that decision, her avenue for review would have been through the International Committee on Appeals.

As the ballots were mailed out on November 15, 2021 and a significant percentage of the membership has already voted and ballots are due to the Post Office by 6 PM tomorrow, no effective remedy could be ordered at this time, even if a violation were to be found. Therefore, this protest should be raised in post-election proceedings, if warranted.

I note that the Protester states that the ballots will be picked up on the morning of December 11. In fact, the last ballot pickup will be at 6 PM on December 11.

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:  
Martin Druyan  
Evangeline Byars  
Arthur Schwartz  
Denis Engel  
Elections Committee