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Neutral Monitor

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DECISION

Eligibility appeal Ferretti

By email dated May 14, 2009, John Ferretti filed an appeal from the decision of the Election Committee that he was not in good standing continuously for 12 consecutive months and thus is not eligible to run for office.

Mr. Ferretti appeals on the basis that he was paying his dues by automatic deduction and fell behind because his card got stolen. According to Mr. Ferretti, his wallet was stolen on June 2. In the wallet was a bank card from TD Bank that was used to pay his dues. As soon as he discovered the card was stolen, he had the card cancelled and had a new bank card issued by mail. On June 13, after receiving the new bank card, he went online to the Unions website and signed up for a new recurring monthly dues payment using the new card number. He also called the Unions Dues Office the next day to make sure that they had received the new card information. According to Ferretti, at no time when he spoke to the Dues Office was he informed that the recurring monthly dues payment would not take effect until July due to their inability to update their autopay system any sooner. When he noticed that the payment did not go through on June 15, he called the Dues Office and only then was he informed that it would take a month for

them to update his autopay payments and that he would have to make a one-time cash payment to pay his June dues. He then made such a payment on June 24.

When the Union lost dues checkoff with the Transit Authority, it established an alternative checkoff arrangement that it made available to the membership. Under that arrangement, the member could deliver to the Union an authorization for the Union to deduct dues from the member's bank account or credit card account. Armed with that authorization, the Union was able to trigger the transmittal of dues from the member's account to the Union on a biweekly or monthly basis. For these members, the savings clause in Article XIII, Section 3, must be applied--they had a checkoff arrangement available to them and signed an appropriate authorization to allow the Union to effectuate the transmittal of dues from their accounts. It does not matter when during the month those transmittals were made.

Thus it is the policy of the Union to treat members who are signed up for automatic deduction of dues from their bank accounts essentially as if they were on dues checkoff, since they have delegated to the bank the responsibility for making sure that their dues are paid on time. In Mr. Ferrettis case, he was in fact enrolled in an automatic payment program and had signed an appropriate authorization on the date the payment should have been made by his bank. He had changed the card number, but he was still enrolled. The requisite payment for June dues was in fact made in June. I find that he should be treated the same as other members enrolled in automatic deduction and should not be treated as if his good standing was interrupted.

Therefore, his appeal is sustained.

In accordance with the International Constitution and the Election Rules, any interested party unsatisfied with this determination may appeal to the Transit 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(6)(I)(1) of the Election Rules and Articles XV and XXII of the International Constitution for the appeal to the International from decisions of Local Unions.

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By email:

John Ferretti

Arthur Schwartz, Esq.

Elections Committee Terry Meginniss, Esq.