

**OFFICE OF THE ELECTION ADMINISTRATOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

IN RE: BECKY PLUISTER,)	Eligibility Decision 2001 EAD 133
MICHAEL DEGARD, WILLIAM)	Issued: February 6, 2001
SULLIVAN, PATRICK)	OEA Case No. E012311MW,
HANRAHAN and EDWARD)	E012312MW, E012313MW,
SALINAS,)	E012314MW, E012315MW
)	
)	
Prospective Candidates.)	
)	

On January 21, 2001, Local 705 held its nomination meeting for delegate and alternate delegate elections. On January 23, 2001, Michael Colgan, member of Local 705, filed a protest with the Election Administrator challenging the eligibility of Michael Degard to run for alternate delegate and the eligibility of Becky Pluister, William Sullivan, Patrick Hanrahan and Edward Salinas to run for delegate to the IBT International Convention. Mr. Degard alleges that each candidate failed to maintain his or her membership in good standing for a period of 24 consecutive months.

Election Administrator representative Lisa Sonia Taylor investigated this protest.

Article VI, Section 1(a)(1) of the Rules for the 2000-2001 IBT International Union Delegate and Officer Election (“*Rules*”) states that in order to be eligible to run for delegate or alternate delegate to the IBT International Convention, a member must be in continuous good standing with her local union, with her dues paid to the local union for a period of 24 consecutive months prior to the month of the nomination with no interruption in active membership due to suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessment.

1. Becky Pluister

On January 25, 2001, by letter to the Election Administrator, Ms. Pluister withdrew her candidacy for delegate to the International Convention. Accordingly, the Election Administrator finds that this matter has been RESOLVED.

Dues records for Degard, Sullivan, Hanrahan and Salinas show that each member pays their dues pursuant to checkoff authorization. The IBT Constitution states that a member will retain good standing even though his dues are remitted late or not at all if he signed a checkoff and had sufficient earning in the month from which the employer could have deducted dues. Article X, Section 5 (c).

2. Michael Degard and William Sullivan

Mr. Degard's dues record shows that his dues payments for September 1999, January 2000, March 2000 and November 2000 were late. Mr. Sullivan's dues record shows that his dues payment for July 1999 was late. Both Degard and Sullivan are employed with U.S.F. Holland. The employer confirmed that Degard had sufficient income for September 1999, January 2000, March 2000 and November 2000 from which dues could have been deducted. The employer confirmed the same for Sullivan for July 1999. For these reasons, the Election Administrator finds that Degard and Sullivan were in good standing for the 24 consecutive months prior to the month of their nomination.

Accordingly, the Election Administrator finds that Mr. Degard is ELIGIBLE to run for alternate delegate and Mr. Sullivan is ELIGIBLE to run for delegate to the International Convention.

3. Patrick Hanrahan

Mr. Hanrahan's dues record shows late payments between January 1999 and August 1999. Hanrahan's employer confirmed that during these months he had sufficient income from which dues could have been deducted. For this reason, the Election Administrator finds that Hanrahan was in good standing for the 24 consecutive months prior to the month of his nomination.

Accordingly, the Election Administrator finds that Mr. Hanrahan is ELIGIBLE to run for delegate to the International Convention.

4. Edward Salinas

Mr. Salinas' dues record shows that his dues for June and July 2000 were paid late. A representative at Salinas' employer, Rail Terminal, explained that prior to May 2000, Salinas was employed by Midwest Terminal. In May 2000 Rail Terminal acquired Midwest Terminal and Rail Terminal began making checkoff payments in August 2000. The dues clerk for Local 705 confirmed that the checkoff authorization was automatically carried over when Rail Terminal acquired Midwest Terminal. The first payment on August 14, 2000 covered Salinas' dues for June, July and August 2000. Salinas' employer confirmed that he had earned sufficient income in June and July to cover his dues. For this reason, the Election Administrator finds that Salinas was in good standing for the 24 consecutive months prior to the month of his nomination.

Accordingly, the Election Administrator finds that Mr. Salinas is ELIGIBLE to run for delegate to the International Convention.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party

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may rely upon evidence that was not presented to the Office of the Election Administrator in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for that appeal, and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
Suite 1000
885 Third Avenue
New York, New York 10022
Fax: 212-751-4864

Copies of the request for hearing must be served upon the parties listed above, as well as upon the Election Administrator for the International Brotherhood of Teamsters, 727 15th Street, N.W., 10th Floor, Washington, D.C. 20005, all within the time period prescribed above. A copy of the protest must accompany the request for hearing.



William A. Wertheimer, Jr.
Election Administrator

cc: Kenneth Conboy, Election Appeals Master
Dennis M. Sarsany, Midwest Area Regional Director

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