

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: DENNIS HANDS,)	Protest Decision 2007 ESD 401
)	Issued: January 23, 2007
Protestor.)	OES Case No. P-07-369-010807-HQ
_____)	

Dennis Hands, a member of Local Union 337, filed a post-election protest pursuant to Article XIII, Section 3 of the Rules for the 2005-2006 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that Hands was improperly discharged from his duties as International Representative for the IBT because of actions he took during the election, in violation of the *Rules*.

Election Supervisor Richard W. Mark and Election Supervisor representative Steven R. Newmark investigated this protest.

Findings of Fact and Analysis

The protestor has been employed full time by Joint Council 43 since 1998. In 2000, the protestor was appointed International Representative by General President Hoffa and has received a stipend from the IBT for that service.

In March 2006, Hands announced by letter to the IBT General Executive Board and to the Election Supervisor his intention to seek election to International office. Hands subsequently sent the same letter to all local union principal officers in Michigan. In May 2006, Hands wrote a second letter to the IBT retracting his initial letter and withdrawing his candidacy for International office.

Hands told our investigator that he decided not want to run because he felt that running might help the Leedham campaign and harm the Hoffa campaign. Hands contributed \$2,000 to the Hoffa campaign, the maximum permitted under the *Rules*.

Hands was discharged from his position as International Representative effective December 31, 2006. A letter signed by General Secretary-Treasurer C. Thomas Keegel dated January 4, 2007 announced the dismissal; in addition, Keegel called Hands on January 5 to advise of the decision.

Hands contended that he was discharged because of his announced intention (ten months earlier) to run for office. Hands alleged that Keegel told him during the January 5 telephone call that “[General President] Hoffa was unhappy with [Hands] during the election period and that [Hands] did not do enough in Michigan for him.” Keegel denied Hands’ account of their conversation, further denying that that there was ever any reference to the election, or even use of the word “election.”

Keegel further stated that, during 2006, Hands had failed to provide necessary support to implement an IBT agreement with freight employers to shift a portion of contributions to the Central States Pension Fund from certain health & welfare funds. Keegel stated that Hands failed to champion the proposal. Keegel stated that he did not discuss this explicitly with Hands, but that this was the performance issue for the IBT and the issue he had in mind when he told Hands

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that he “did not do right” by the administration. As a result, Hands’ services as International Representative were terminated.

Hands disputed the claim that he failed to support the proposal adequately. However, he acknowledged that the proposal was a contentious one.

Under the IBT constitution, International Representatives serve at the pleasure of the General President. We find insufficient evidence that Hands’ dismissal as International Representative was in retaliation for his candidacy for International office.

Accordingly, we DENY this protest.

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

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

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1725 K Street, N.W., Suite 1400, Washington, D.C. 20006-1416, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
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DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):

Bradley T. Raymond, General Counsel
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001-2198
braymond@teamster.org

David J. Hoffa
Hoffa 2006
30300 Northwestern Highway, Suite 324
Farmington Hills, MI 48834
David@hoffapllc.com

Barbara Harvey
645 Griswold Street
Suite 3060
Detroit, MI 48226
blmharvey@sbcglobal.net

Ken Paff
Teamsters for a Democratic Union
P.O. Box 10128
Detroit, MI 48210
ken@tdu.org

Daniel E. Clifton
Lewis, Clifton & Nikolaidis, P.C.
275 Seventh Avenue, Suite 2300
New York, NY 10001
dclifton@lcnlaw.com

Stefan Ostrach
1863 Pioneer Parkway East, #217
Springfield, OR 97477-3907
saostrach@gmail.com

Dennis Hands
3751 Greenwood Drive
Rochester Hills, MI

C. Thomas Keegel, President
Local 120
2635 University West #120
St. Paul, MN 55114
Fax: 651-641-1248

Martin J. Costello
Hughes & Costello
1230 Landmark Towers
345 St. Peter Street
St Paul, MN 55102
mcostello@hughesandcostello.com

Steven Newmark
1725 K Street, NW, Suite 1400
Washington, DC 20006
snewmark@ibtvote.org

Jeffrey Ellison
510 Highland Avenue, #325
Milford, MI 48381
EllisonEsq@aol.com