

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: ELIGIBILITY OF)	Protest Decision 2011 ESD 89
ANTHONY WILHELM,)	Issued: January 27, 2011
)	OES Case No. E-013-011011-MW
Local Union 247.)	
_____)	

Thomas Ziembovic, member and vice president of Local Union 247, timely filed an eligibility protest pursuant to Article XIII, Section 2(b) of the Rules for the 2010-2011 IBT International Union Delegate and Officer Election (“Rules”). The protest alleged that Anthony Wilhelm is ineligible for nomination as delegate to the 2011 IBT Convention.

Election Supervisor representative Maria Ho investigated this protest.

Findings of Fact and Analysis

Article VI, Section 1(a) of the *Rules* provides that “to be eligible to run for any Convention delegate, alternate delegate or International Officer position, one must: (1) be a member in continuous good standing of the Local Union, with one’s dues paid to the Local Union for a period of twenty-four (24) consecutive months prior to the month of nomination for said position with no interruptions in active membership due to suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments; (2) be employed at the craft within the jurisdiction of the Local Union for a period of twenty-four (24) consecutive months prior to the month of nomination; and (3) be eligible to hold office if elected.

Local Union 247 held its nominations meeting on January 8, 2011. Accordingly, the 24 month period during which candidates must be in continuous good standing in order to be eligible for nomination ran from January 2009 through December 2010.

Wilhelm paid dues by check-off authorization with his employer, Songer Steel. He was laid off on March 13, 2009 and recalled four months later on July 23. His TITAN records show timely payment of dues by check-off for January through April 2009. Wilhelm paid cash dues for May, June and July, 2009 in person at the local union hall on July 28, 2009.

Records from Wilhelm, his employer, and the pension fund all confirm that Wilhelm had no earnings in May or June from which dues could be deducted. Accordingly, he could not rely on his check-off authorization and instead was required to make a cash dues payment on or before the last business day of each month in order to retain his good standing for that month. As he did not pay dues for May and June until July 2009, his continuous good standing was interrupted.

Because of this interruption in continuous good standing, we find Wilhelm INELIGIBLE for nomination as delegate.

Eligibility of Wilhelm, 2010 ESD 89

February 2, 2011

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, NY 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, 1801 K Street, N.W., Suite 421 L, Washington, D.C. 20006, 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
2011 ESD 89

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