

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: LORNE SMITH,)	Protest Decision 2011 ESD 221
)	Issued: April 19, 2011
Protestor.)	OES Case No. P-256-041211-NE
_____)	

Lorne Smith, a member and elected delegate of Local Union 340, filed a protest pursuant to Article XIII of the Rules for the 2010-2011 IBT International Union Delegate and Officer Election (“Rules”). The protest alleged that Carl Guignard, secretary-treasurer of Local Union 340, has refused to reimburse the five delegates for the full amount of the airline tickets that have been purchased by the delegates to attend the IBT convention in Las Vegas, Nevada.

Election Supervisor representative Kathryn A. Naylor investigated this protest.

Findings of Fact and Analysis

The *Advisory Regarding Payment of Expenses for Convention Delegates and Alternate Delegates to the 28th International Convention of the International Brotherhood of Teamsters (Advisory)*, issued March 25, 2011, requires local unions to pay for the travel expenses of delegates and alternates (if applicable) to and from the IBT convention in Las Vegas. Article III, Section A of the *Advisory* provides:

Delegates and alternates are not required to use travel arrangements provided by the Local Union. Those delegates and alternates who make their own travel arrangements shall be reimbursed by the Local Union for the actual, documented cost of travel, with mileage reimbursements at the rate of \$.51 per mile for use of a personal vehicle. No delegate or alternate may be reimbursed in an amount that exceeds what the Local Union would have paid had transportation been arranged by the Local Union.

Protestor Smith asserted that Guignard refused to reimburse all five delegates for the full costs of their airline tickets to attend the convention. Guignard acknowledged that although initially he stated that he would not pay the full costs of the airline tickets submitted by the delegates, the matter was subsequently reviewed by the local union’s executive board, which decided to reimburse all delegates for the full costs of their airline tickets, with the exception of delegate Brent Miller. Guignard provided copies of the stubs for these reimbursement checks to our investigator, and said the checks were mailed to the delegates on April 15, 2011. Guignard explained that the executive board decided not to reimburse Miller for the full cost of his ticket because Miller had first class seats on the outgoing portion of his itinerary from Maine to Las Vegas. Guignard noted Miller was reimbursed based on the cost of another delegate, who had economy/coach seats on the same outgoing flights/itinerary from Maine to Las Vegas. Miller stated that the first class reservations for his itinerary to Las Vegas were made by mistake by his wife when she made these reservations, and he will assume or cover the difference in fares between the first class and economy seats.

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Accordingly, we deem this protest RESOLVED.

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
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