

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: JAMES WYATT,)
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Protestor.)
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James Wyatt, member of Local Union 480, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2015-2016 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that Local Union 480 failed to post its approved local union delegate and alternate delegate election plan summary on all union worksite bulletin boards, in violation of the *Rules*.

Election Supervisor representative Dolores Hall investigated this protest.

Findings of Fact and Analysis

Under Article II of the *Rules*, each local union must develop a plan for election of its delegates and alternate delegates, to be approved by the Election Supervisor. After review and approval, the Election Supervisor prepares a written Plan Summary of the local union’s election plan, delineating all relevant information, which the local union must then post on all union hall and union worksite bulletin boards under its jurisdiction. The local union must complete posting the Plan Summary “[a]s soon as possible” after receiving it from the Office of the Election Supervisor “but in no event later than seven (7) days” after receipt. Article II, Section 4(h). The local union must maintain that posting throughout the delegate nomination and election period. *Id.*

The protest here alleged that Local Union 480 failed to post the Plan Summary on any union bulletin boards as required. Investigation showed that the local union delegate and alternate delegate plan was approved by the Election Supervisor on September 28, 2015 and transmitted by email to the local union that same date. By this measure, the *Rules* required the Plan Summary to be posted on union bulletin boards by early October. However, the posting was not completed until December 18, 2015, after the protest in this case was filed. Local Union 480 president Fred Lendon Grisham, when contacted by our investigator, expressed uncertainty that he had been required to post the Plan Summary. However, after our investigator explained the *Rules*’ requirements, the local union president took prompt action to have the Plan Summary posted on all union bulletin boards, accomplishing this task by December 18, 2015. Posting was completed more than 21 days in advance of the scheduled nomination meeting. Local Union 480 also sent a notice of the nomination meeting to each member individually, by first class mail, on December 18.

The *Rules* require posting of the Plan Summary, along with other notices, to inform the membership of the details of the coming delegates and alternate delegates election and allow those interested in seeking nomination the opportunity to build support, to recruit other candidates as well as nominators and seconders, and to plan campaign strategy. In this way, the notices the *Rules* require promote “fair, honest, open, and informed” elections. Article I.

Here, we find the Plan Summary was not posted as required. This failure to post was the result of neglect by the local union president. Such a failure could have resulted in the rescheduling of dates

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for the delegates and alternate delegates election if we determined that the lack of notice left members interested in competing in the election unaware of its approach and unable to organize a campaign. Such is not the case here, as we find no evidence that the period during which the notice was not posted resulted in any disadvantage to potential candidates. *King*, 2005 ESD 42 (December 28, 2005). Moreover, notice of the nomination meeting has been disseminated by individual mailing to each member of Local Union 480. Accordingly, we deem this protest RESOLVED with the posting of the Plan Summary and order no further remedy.

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:

Kathleen A. Roberts
Election Appeals Master
JAMS
620 Eighth Avenue, 34th floor
New York, NY 10018
kroberts@jamsadr.com

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, 1050 17th Street, N.W., Suite 375, Washington, D.C. 20036, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kathleen A. Roberts
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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
braymond@teamster.org

David J. Hoffa
1701 K Street NW, Ste 350
Washington DC 20036
hoffadav@hotmail.com

Ken Paff
Teamsters for a Democratic Union
P.O. Box 10128
Detroit, MI 48210-0128
ken@tdu.org

Barbara Harvey
1394 E. Jefferson Avenue
Detroit, MI 48207
blmharvey@sbcglobal.net

Teamsters United
315 Flatbush Avenue, #501
Brooklyn, NY 11217
info@teamstersunited.org

Louie Nikolaidis
350 West 31st Street, Suite 40
New York, NY 10001
lnikolaidis@lcnlaw.com

Julian Gonzalez
350 West 31st Street, Suite 40
New York, NY 10001
jgonzalez@lcnlaw.com

David O'Brien Suetholz
515 Park Avenue
Louisville, KY 45202
dave@unionsidelawyers.com

Fred Zuckerman
P.O. Box 9493
Louisville, KY 40209
fredzuckerman@aol.com

James Wyatt
510 Old Hickory Road
Nashville, TN 37209
phil_wyatt108@yahoo.com

Fred Lendon Grisham
1050 Cornelia Street
Nashville, TN 37217
lendongrisham@tlu480.com

Dolores Hall
1000 Belmont Pl
Metairie, LA 70001
dhall@ibtvote.org

Jeffrey Ellison
214 S. Main Street, Suite 210
Ann Arbor, MI 48104
EllisonEsq@aol.com