

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: GARY RINDFLEISCH,)
)
Protestor.)
)
_____)

Protest Decision 2016 ESD 130
Issued: February 29, 2016
OES Case No. P-100-020416-NE

Gary Rindfleisch, member of Local Union 118 and a candidate for convention delegate, , 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, at the local union general membership meeting held January 6, 2016, Local Union 118 Secretary-Treasurer Christopher Toole violated the *Rules* by making statements from the podium that constituted campaigning during the meeting. Specifically, Toole was said to have asserted that Gary Rindfleisch and Jeffery Scaglia received an impermissible employer contribution to support their candidacies in the form of time off from work in order to attend the nominations meeting. We decided the underlying protest in *Toole*, 2016 ESD 92 (January 29, 2016), which denied Toole’s protest claiming that Rindfleisch and Scaglia violated the *Rules*.

We deferred making a determination on the protest about Toole’s statements at the January 6 general membership meeting until after the local union delegates and alternate delegates election pursuant to Article XIII, Section 2(f)(2). Protests deferred for post-election decision generally are considered and remedied only “if the alleged violation may have affected the outcome of the election.” Article XIII, Section 3(b).

Local Union 118 is entitled to elect five delegates and two alternate delegates to the IBT convention. The tally of ballots was conducted Saturday, February 27, 2016. The result of the tally is as follows¹:

Position	Name	Tally
Delegate	Christopher Camelio	607
Delegate	Anthony Wells	605
Delegate	Gary Rindsfleisch	592
Delegate	Jeffery Scaglia	590
Delegate	Ronald Delcour	589
Delegate	Paul Markwitz	505
Delegate	Paul Hogle	498
Delegate	Michael Maynard	487
Delegate	Jeffrey Sargent	486
Delegate	Christopher Toole	474
Alternate	Mike Figliotti	615
Alternate	David Baldwin	596
Alternate	Dave Weilert	489

¹ Names printed in bold were declared elected for delegate or alternate delegate.

Alternate	Kenny Chonge	469
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Given that Rindfleisch was elected delegate and Toole was not, the conduct that was the subject of the protest, even if shown to violate the *Rules*, did not affect the results of the election from Rindfleisch's perspective.

Accordingly, we DISMISS this protest as MOOT.

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
2016 ESD 130

Rindfleisch, 2016 ESD 130
February 29, 2016

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