

**OFFICE OF THE ELECTION SUPERVISOR**  
**for the**  
**INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

<b>IN RE: ELIGIBILITY OF</b>	)	Protest Decision 2017 ESD 380
<b>KIMBERLY SCHULTZ,</b>	)	Issued: February 15, 2017
	)	OES Case No. E-417-111816-SO
<b>Local Union 2011.</b>	)	
_____	)	

Hoffa-Hall 2016 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 Kimberly Schultz is ineligible to assume elected office as IBT vice president – South region.

Election Supervisor representative Jeffrey Ellison investigated this protest.

Nearly contemporaneously with the counting of ballots in the International officers election, Local Union 2011, of which Schultz was the principal officer, was participating in a representational election administered by the Florida Public Employees Relations Commission concerning the representation of certain employees of the Florida Department of Corrections. The other labor organization on the ballot in that election, the Florida Police Benevolent Association, Inc., prevailed.

In response to the result in that representation election, Hoffa-Hall 2016 filed a protest challenging all ballots cast by members of Local Union 2011 in the International officers election, asserting that those voters were ineligible to vote because Local Union 2011 lost the PERC representation election. We denied that protest in *Hoffa-Hall 2016*, 2016 ESD 332 (November 18, 2016), holding that the members of that local union casting votes in the International officers election were eligible to do so because they satisfied the eligibility criteria established by the *Rules* and the IBT constitution.

The IBT’s General Executive Board in January 2017 revoked the charter of Local Union 2011. This action was protested by Teamsters United and Schultz in Case No. P-422-012617-NA.<sup>1</sup> The IBT, by counsel, denied that the revocation of charter was retaliatory against Schultz, stating the following of pertinence here:

Nothing prevents Ms. Schultz from assuming office, provided the result of the 2016 election of International Union officers is certified and Ms. Schultz transfers her membership to another Local Union. Upon installation, Ms. Schultz will, so long as she remains an officer of the IBT, be “working at the craft” for purpose of maintaining her membership, and entitled to hold membership in any Local Union in the Southern Region. Thus, the revocation of the charter will have no effect on her status as an elected Southern Region Vice President.

On February 13, 2017, our representative solicited the withdrawal of the instant protest to Schultz’s eligibility to hold office. By email the same date, the protestor requested to withdraw the protest.

Finding that withdrawal serves the purposes of the *Rules*, we deem this protest WITHDRAWN.

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<sup>1</sup> We issued a decision on this protest in *Schultz & Teamsters United*, 2017 ESD 382 (February 15, 2017).

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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, 34<sup>th</sup> 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, c/o Jeffrey Ellison, 214 S. Main Street, Suite 212, Ann Arbor, MI 48104, 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  
*2017 ESD 380*

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