

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: RYAN ADAMS,)	Protest Decision 2020 ESD 33
)	Issued: November 25, 2020
Protestor.)	OES Case No. P-042-111920-CA
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Ryan Adams, member of Local Union 362, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2020-2021 IBT International Union Delegate and Officer Election (“Rules”). The protest alleged that Local Union 362 had not given notice that it had submitted a proposed Local Union Election Plan for its delegates and alternate delegates election to the Election Supervisor.

Election Supervisor representative Jack Sullens investigated this protest.

Findings of Fact and Analysis

Article II, Section 4 of the Rules requires each local union to prepare and submit to the Office of the Election Supervisor (OES) a proposed Local Union Election Plan (LUEP) by which it will elect delegates and alternate delegates to the IBT convention. Each proposed plan must detail the logistics of the election, including dates for the nominations meeting and for mailing and counting of ballots in the event the election is contested, details concerning how notice of the various aspects of the election is to be given to the membership, and other information that will permit the Election Supervisor to determine the appropriateness of the proposed plan.

Once the local union completes and submits the proposed LUEP to OES for consideration, Article II, Section 4(e) requires the union to post on all union bulletin boards “as soon as possible, but in no event later than five (5) days” notice that the plan has been submitted to OES for approval. This notice alerts members that a proposed election plan has been submitted and is available for their inspection. The notice has the further purposes to promote democracy and insure a fair election because it alerts members that an election is approaching so they may recruit candidates and develop campaign strategy. *Cook*, 2010 ESD 34 (October 12, 2010).

Article II, Section 4(d) permits any interested member the opportunity to submit to OES written comments concerning the proposed plan. The time for submitting such comments runs for 15 days following the local union’s submission of the plan to OES. The comment period is necessarily brief so that the plan may be processed and approved expeditiously. A key element in the comment process is the requirement that the local union give prompt notice that the plan has been submitted so members may review and comment on it.

Here, Local Union 362 submitted its proposed LUEP to OES on September 28, 2020. It did not, however, post notice of the plan submission until November 20, after the instant protest and our representative’s inquiry about it prompted the local union to do so.

The local union has now submitted affidavit proof that the required notice posting has been completed. On this basis, we deem the protest RESOLVED. Although the proposed plan has been pending for nearly two months, it is not appropriate for the Election Supervisor to act on it until

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15 days passes from the time the local union first gave notice to the membership that the plan had been submitted. Accordingly, the Election Supervisor will withhold action on the proposed LUEP until after December 5, 2020, which is 15 days following the November 20 date the local union posted the required notice. During the intervening period, any interested member has the right and opportunity to submit written comments to OES on the proposed LUEP. *Johnson*, 2005 ESD 36 (December 14, 2005); *Cook, supra*; *Wyatt*, 2015 ESD 62 (December 28, 2015).

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. Any party requesting a hearing must comply with the requirements of Article XIII, Section 2(i). All parties are reminded that, absent extraordinary circumstances, no party may rely in any such appeal upon evidence that was not presented to the Office of the Election Supervisor. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Barbara Jones
Election Appeals Master
IBTappealsmaster@bracewell.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, all within the time prescribed above. Service may be accomplished by email, using the “reply all” function on the email by which the party received this decision. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Barbara Jones
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