



OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
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Michael H. Holland  
Election Officer

December 7 1990

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343 South Dearborn Street  
Chicago, IL 60604  
(312) 922-2800

**VIA UPS OVERNIGHT**

Earl Brice Fox  
Rt # 1  
Cherryville NC

Martha Fox  
IBT Local Union 61  
2910 Highway 70 West  
Hickory NC 28602

Ronnie L Candler  
Secretary Treasurer  
IBT Local Union 61  
2910 Highway 70 West  
Hickory NC 28602

Re Election Office Case No P-086-LU61 MID

Gentlemen

A pre-election protest was filed under Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1 1990 ( *Election Rules* ) Mr Fox challenges the eligibility of Martha Fox to be an alternate delegate to the International Convention because she does not work in the craft.<sup>1</sup> The investigation of this protest shows the following

Martha Fox has been employed as a secretary for the Local Union for 27 years She also serves on the Local Union Executive Board Her eligibility to hold this office has been challenged but upheld by a decision from Teamsters Joint Council 9 dated December 5 1986

Article II § 4(e) of the Constitution adopted by the 23rd International Convention of the IBT (Constitution) states as follows

All officers and full time employees of the International Union and of any affiliate (excepting licensed professional personnel employed as such) shall be considered as meeting the requirement of working

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<sup>1</sup> Mr Fox confirmed by telephone with the Election Office that he does not challenge Martha Fox s eligibility on any other basis e g non- or late payment of dues

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at the craft within the jurisdiction for the purpose of retaining active membership and to be eligible for election to office in a Local Union in which he is a member or the International Union or any subordinate body or as a delegate to International Convention.

Whether Ms. Fox be considered merely an employee or both an employee and Local Union officer, she is working at the craft as defined by the IBT Constitution. She is eligible to be alternate delegate to the International Convention. Accordingly, there is no violation of the Election Rules and this protest is denied.

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal. Requests for a hearing shall be made in writing, and shall be served on Independent Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D. C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours,



Michael H. Holland

MHH/mjv

cc: Grant Crandall, Regional Coordinator  
Crandall & Pyles  
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Charleston, WV 25301  
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