

OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
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November 25, 1991

**VIA UPS OVERNIGHT**

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Daniel Ligurotis  
Secretary-Treasurer  
IBT Local Union 705  
300 South Ashland Avenue  
Chicago, Illinois 60607

**Re: Election Office Case No. P-1065-LU705-CHI**

Gentlemen:

Protests were filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Archie Cook and Robert Persak, both members of Local Union 705. The protestors contend that Local 705 has advised many of its members, particularly those employed by United Parcel Service ("UPS"), that they are delinquent in their dues in order to prevent them from voting in the upcoming International officer election.

The 1991 IBT International Union Officer Election Plan ("Election Plan"), approved by the United States District Court for the Southern District of New York, provides that all IBT members whose dues are paid through October 1991 are eligible to vote. The Election Plan further provides that all members who pay their dues through check-off--as do the vast majority of Local 705 members employed by UPS--will be eligible to vote if their employer remits dues on their behalf in the last remittance made by the employer on or after October 1, 1991. Accordingly, Local 705 members, including those employed by UPS, will be eligible to vote if their dues are paid through October 1991 or if their employer remits dues on their behalf in the last remittance made by such employer on or after October 1, 1991, whether they received delinquency notices from Local Union 705 and regardless of whether they cured the delinquencies noted. The protestors concede the foregoing, but contend that Local 705 is distributing delinquency notices in the hope of causing members eligible to participate in the 1991 IBT International Union officer election to believe they are ineligible; according to the protestors, if the members believe they are ineligible--even if they are, in fact, eligible

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--the members will not vote. The protesters further contend that the notices are being sent disproportionately to Local 705 members employed by UPS. Since those members form the base of support within Local 705 for International Union officer candidates other than the candidates supported by the incumbent Local Union officers, the protesters claim the Local is attempting to limit their participation in the election process.

The protest was investigated by Regional Coordinator Julie Hamos. The dues payment records for Local Union 705 are maintained by North American Computer Company ("North American"), with whom Local Union 705 contracts for such purposes. On a monthly basis, North American records the dues remitted by or on behalf of Local 705 members, simultaneously generating notices to the members documenting the dues paid by or on their behalf and dues delinquency notices. The dues remittances are entered on North American's records, and the payment and delinquency notices generated, in the month after the month after the month for which the dues are received, e.g., in February the notices of dues payments made for January and dues delinquencies as of January are generated, in March the payment and delinquency notices for February are generated, and so on.

Many Local 705 members pay dues on a quarterly basis. The quarterly dues are due in the first month of the quarter; dues for the quarter of January, February and March are due on or before January 31; dues for the June, July and August quarter are due on or before June 30 and similarly for the remaining two quarters of the calendar year. Since the dues for most members of Local 705 are to be paid in the first month of the quarter, the number of dues payment and delinquency notices generated in the second month of the quarter--the month when the payment and delinquency notices reflecting payments and delinquencies through the first month of the quarter are generated--is considerably higher than the number of payment and delinquency notices generated in any other month.

Members who pay their dues in the first month of the quarter, as most Local 705 members are supposed to do, will have a dues payment notice generated and sent to them in the second month of the quarter. In the succeeding month of the quarter, since many of the members will have already fully paid their quarterly dues in the first month of the quarter, the number of dues payment notices will diminish.

Similarly, with respect to dues delinquency notices, the number generated in the second month of any quarter is normally far larger than the number generated in any other month. Since most Local 705 members are supposed to pay their full quarterly dues in the first month of the quarter, the failure of the member to remit--or have remitted on his behalf--the full amount of the quarterly dues will result in a delinquency

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notice. Thereafter, as more and more members pay or fully pay their dues, the number of delinquency notices diminishes.

The investigation revealed that the normal number of dues payment and delinquency notices generated in the second month of any quarter are between 6,500 and 9,000. In all other months, between 3,000 and 5,000 such notices are prepared.

The notices, once prepared by North American, are transmitted to Local 705, which then mails both the payment and delinquency notices to the appropriate Local 705 members. The Election Officer investigation determined that these notices are regularly mailed, as an administrative, ministerial matter, by Local 705 office clerical personnel.

The protest concerns the notices of delinquencies mailed in November 1991. Approximately 6,500 dues payment and delinquency notices were mailed between November 1 and 4, 1991. This corresponds with the approximately 3,900 notices mailed in October, on October 2 and 3, 1991.

The calendar quarter for which dues are now being paid is the quarter of October, November and December 1991. Since October is the first month of the quarter, it is to be expected that the number of notices mailed in November would be significantly greater than the number mailed in October; the October mailings reflected payments and delinquencies for September 1991, the last month of the prior quarter, and therefore should be, and are, considerably smaller in number. The number of payment and delinquency notices mailed in both October and November 1991 are consistent with the numbers sent in similar months of quarters prior to those dates.

The Election Office investigation no evidence demonstrating that the delinquency notices mailed in November 1991, as well as those mailed in October 1991, were generated and distributed other than in the normal course of the Local's operations. The protesters have not submitted any evidence to the contrary. The protesters provided the name of one Local 705 member to the Election Officer, claiming that he had received a delinquency notice sent to him outside the normal course of the Local's operations. The notice received by this member was not a delinquency notice, but rather a notice that his dues payment for the quarter had been properly made. The notice he received is consistent with the normal practices of Local 705; the notice did not reflect a delinquency or suggest that he might not be eligible to vote in the 1991 IBT International Union officer election.

The Regional Coordinator also reviewed the number of dues delinquency notices issues to Local 705 members employed by UPS. There is no evidence that the members of Local 705 so employed had a higher delinquency rate or received proportionately a

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greater number of delinquency notices than members employed at other locations. The investigation further demonstrated that the delinquency rate among Local 705 members employed by UPS for both October and November of 1991 was consistent with the delinquency rate for such members in similar months of quarters prior to those dates.

Nor is there any evidence members who received delinquency notices from Local 705 are not, in fact, delinquent in their dues. Notifying a member who is, in fact, delinquent in his dues--and would not otherwise meet the other eligibility requirements of the Election Plan--permits such member to pay his/her dues and obtain or regain eligibility to participate in the election. Receipt of delinquency notices under these circumstances enhances participation of IBT members in the election process.

Finally, with respect to Local 705 members who pay their dues by check-off--members who under the terms of the Election plan will be eligible to vote even if they are technically delinquent in their dues payments and who have received delinquency notices from Local 705--such members have previously been notified that they will be eligible to vote despite having received a delinquency notice from Local 705. The terms of the Election Plan--and particularly those provisions relating to eligibility to vote--were published in the October 1991 issue of The International Teamster. See "Report XXVII to All Members of the International Brotherhood of Teamsters from Frederick B. Lacey, Independent Administrator" at page 44 of the October 1991 issue of The International Teamster.

All IBT members have been notified of the eligibility requirements for voting in the 1991 IBT International Union officer election. All IBT members have been notified that those eligibility requirements will render, absent unusual circumstances, members who pay dues by check-off eligible to vote, whether or not their dues payment records reflect delinquencies. Local 705 members, having been given notice of the eligibility requirements for voting in the 1991 IBT International Union officer election, will not be improperly misled by receiving notices from Local 705 normally sent by Local 705 members to all such members in the regular normal course of conduct of the operations of the Local.

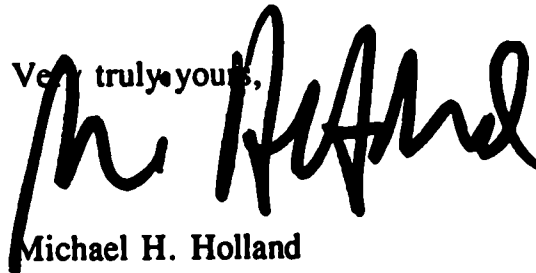
For these reasons, the protests are DENIED.

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

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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/ca

cc: Frederick B. Lacey, Independent Administrator

Julie E. Hamos, Regional Coordinator

Martin Wald, Esquire  
Schnader, Harrison, Segal & Lewis  
Suite 3600  
1600 Market Street  
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