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January 18, 1991

VIA UPS OVERNIGHT

Robert McGinnis
6319 S Lavergne
Chicago, IL 60638

William Joyce
Secretary-Treasurer
IBT Local 710
4217 S Halsted St
Chicago, IL 60609

Re: Election Office Case No. P-205-LU710-CHI

Gentlemen

A pre-election protest has been filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") The Complainant, Robert McGinnis, protests the fact that Local 710 mailed separate notices of nominations and delegate elections and also "guesses" that the mailing list actually used for the nominations and elections was different than the one provided to the Election Officer It also seems to allege that it was improper for the Local to have only a single site for its nominations meeting

The protest alleges that Local 710 mailed delegate nomination notices separately from delegate election notices The protest does not identify which Election Rule this separate mailing violates Instead, it alleges that this procedure is unnecessarily costly to the Union

The procedure used by Local 710 violates no provision of the *Rules* Indeed, the procedure may well ensure broader Union member participation in the delegate nomination and election process by virtue of its multiple reminders to Union members.

The Election Officer will not exercise authority under the *Rules* to change Local Union procedures on sole ground that to do so may cost money, particularly, as is the case here, where the procedures well may reasonably enhance political participation by Union members This portion of the protest, therefore, has no merit.

A second potential violation of the *Rules* which is raised by the protest is with respect to the mailing list used to send out the notices of nomination and election. The Complainant "guesses" that the list used is different than the one given to accredited candidates, but supplies no evidence in this regard. Nor does the protest aver to any individual which might support his claim. This portion of the protest, therefore, is also dismissed.

The protest also appears to allege that it is improper for the Local to have only one site for its nominations meetings for delegates. Nothing in the *Rules*, however, requires a Local to have nominations meetings at more than one location. The *Rules*, however, protect the rights of members who cannot attend meetings by allowing nominations, seconds, and nomination acceptances all to be made in writing, without personal attendance at the meeting. With respect to Local 710, in order to promote participation in the nomination process, the Election Officer required that all written nominations and seconds be honored, regardless of the reasons for not attending the nominations meeting. Since the ultimate election of delegates and alternates will be by mail ballot, the rights of members who are distant from the Local Union Headquarters are further preserved. Additionally, at the Local 710 nominations meeting, conducted on Sunday, January 13, 1991, approximately 300 members of the Local were in attendance.

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/mca

cc Frederick B. Lacey, Independent Administrator
Julie E. Hamos, Regional Coordinator

IN RE.	:	91 - Elec. App - 46 (SA)
ROBERT MCGINNIS,	:	
Complainant,	:	
and	:	DECISION OF THE
IBT LOCAL UNION 710,	:	INDEPENDENT ADMINISTRATOR
Respondent	:	

This matter arises out of an appeal from a January 18, 1991, ruling by the Election Officer in Case No. P-205-LU710-CHI. On January 25, 1991, a hearing was held before me by way of teleconference at which the following persons were heard: John Sullivan, on behalf of the Election Officer; Julie Hamos, Regional Coordinator; and Robert McGinnis, the complainant. No representative from the Local appeared.

The complainant alleges that IBT Local Union 710 ("Local 710") mailed delegate nomination notices separately from delegate election notices. The protest does not identify which Election Rule this separate mailing violates. Instead, it alleges that this procedure is unnecessarily costly to the Union.

The procedure used by Local 710 violates no provision of the Rules. Indeed, the procedure may well ensure broader Union member participation in the delegate nomination and election process by virtue of its multiple reminders to Union members.

The Election Officer properly states that he will not exercise his authority to change Local Union procedures on the sole ground that to do so may cost money. This is particularly so, as is the case here, where the procedures may reasonably enhance political participation by Union members. Thus, the Election Officer properly denied this portion of the protest.

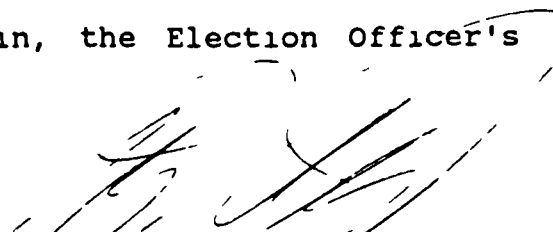
A second potential violation of the Rules raised by the complainant concerns the mailing list used to send out the notices of nomination and election. The complainant contends that the list used is different than the one given to accredited candidates, but supplies no evidence in support of this contention, nor does the complainant point to any individual who might support his claim.¹ Thus, this portion of the protest was also properly dismissed. In this regard, I note that Ms. Hamos is closely monitoring the preparation of the mailing lists for the ballots to insure their integrity.

The complainant also alleges that it was improper for Local 710 to have only one site for its nominations meetings for delegates. Nothing in the Rules, however, requires that a Local hold nominations meetings at more than one location. The Rules, however, protect the rights of the members who cannot attend meetings by allowing nominations, seconds, and nomination acceptances all to be submitted in writing; personal attendance at

¹ Mr. McGinnis did tell Ms. Hamos that eight members of a thirty-member UPS "center" did not receive the notices of nomination and election. Ms. Hamos asked Mr. McGinnis to supply her with the names of the eight members. He never did.

the meeting is not required. With respect to Local 710, in order to promote participation in the nomination process, the Election Officer required that all written nominations and seconds be honored, regardless of the reasons for members' non-attendance at the nominations meeting. Since the ultimate election of delegates and alternates will be by mail ballot, the rights of members who are distant from the Local Union Headquarters are further preserved. Thus, this portion of the protest was also properly disposed of.

For the reasons expressed herein, the Election Officer's ruling is affirmed in all respects.



Frederick B. Lacey -
Independent Administrator
By: Stuart Alderoty, Designee

Dated: January 29, 1991.