



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624 8778
1 800-828-6496
Fax (202) 624-8792

Michael H Holland
Election Officer

Chicago Office:
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922 2800

January 15, 1991

VIA UPS OVERNIGHT

Karl H Ullman
Secretary-Treasurer
IBT Local Union 495
1616 W. Ninth St , Room 206
Los Angeles, CA 90015

Susan Meldrum
22056 Saticoy St.
Canoga Park, CA 91303

**Re: Election Office Case Nos. P-221-LU495-CLA & E-174-LU495-CLA
Protest of Karl H Ullman: Eligibility of Susan Meldrum (Soc Sec No.
565-22-9701) to Run for Delegate, IBT Local 495**

Gentlemen

By letter received by the Elections Officer on January 3, 1991, Susan Meldrum asked the Election Officer to determine whether she was eligible to run for delegate or alternate delegate to the 1991 IBT International Convention or to nominate or second the nomination of a candidate for delegate or alternate delegate. By notice dated January 3, 1991 and received by Ms. Meldrum on January 4, 1991, the Election Officer advised Ms Meldrum that she was ineligible to run for delegate or alternate delegate. Ms. Meldrum was, however, nominated to run for delegate at the nominations meeting for Local Union 495 held January 3, 1991. Ms Meldrum did not protest the Election Officer's determination that she was ineligible. On January 3, 1991 Mr. Karl H. Ullman filed a protest challenging Ms Meldrum's nomination for delegate.

I **The Eligibility of Ms. Meldrum**

Article XI, § 1 (a)(1)(a) of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") provides that a protest regarding a ruling on the eligibility of a candidate must be filed within 48 hours after the ruling or it is waived. Ms Meldrum received the Election Officer's ruling declaring her ineligible

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on January 4, 1991 and has not protested that decision.¹ She has therefore waived her right to protest that ruling, and the Election Officer's prior determination is therefore determinative of her eligibility. She may therefore not appear on the ballot for the Local Union 495 delegate election despite the fact that she was nominated.

Notwithstanding the foregoing, the Election Officer has again reviewed Ms. Meldrum's eligibility.

In order to be eligible to run for delegate or alternate delegate to the IBT International Convention, a member must be in continuous good standing with his Local Union, with his dues paid to the Local for a period of twenty-four (24) consecutive months prior to the month of nomination with no interruptions in active membership due to suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments. Rules for the IBT International Union Delegate and Officer Election, Article VI, §1(a)(1).

In addition, Article X, §5(c) of the IBT Constitution provides as follows:

Membership dues to Local Unions are due on or before the first day of the month and must be paid on or before the last business day of that month. Any member failing to pay his dues at such time shall not be in good standing for such month but may restore good standing for such month for the purpose of attending meetings, nominating, voting and participating in affairs of the Local Union by payment of his delinquent dues prior to said meeting. Payment of such dues after their due date shall not restore good standing status for such month or months in computing the continuous good standing status required as a condition of eligibility for office.

The TITAN record reflects that Ms. Meldrum, who was on checkoff dues payment, had late dues payments in March 1989 (paid April 18, 1989) and February and March 1990 (paid April 18, 1990). She also went on withdrawal from July 30, 1990 until September 27, 1990 and paid no dues for August 1990. Ms. Meldrum advised the Election Officer that she had no earnings in March 1989 and February and March 1990 and thus had no earnings from which her dues for those months could have been deducted. She also acknowledged that she went on withdrawal in July through September 1990 and that she paid no dues for August 1990.

¹A notice accompanying the Election Officer's notice to Ms. Meldrum received by her on January 3, 1991, advised her of this fact.

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Since Ms Meldrum had three late payments during the period January 1989 through December 1990 and was on withdrawal during that period of time, she does not meet the eligibility requirements to run for delegate

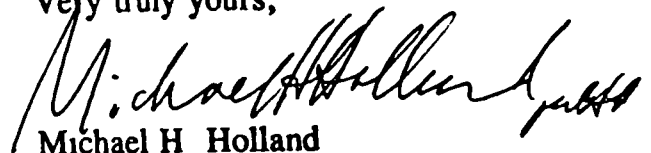
II The Propriety of Ms. Meldrum's Written Acceptance of Nomination.

Mr Ullman also protests the failure of Susan Meldrum to tender a written acceptance of her nomination to the position of delegate

The *Rules* permit a candidate to accept nomination for the position of delegate or alternate delegate in writing, if absent from the meeting *Rules*, Article II, § 3 (h). The nominations meeting for Local Union 495 was held on January 3, 1991. Ms Meldrum did not attend the meeting, nor did she tender a written acceptance of nomination designated as such. However, a slate declaration form which contained her signature was tendered at the meeting. Secretary-Treasurer Ullman acknowledged receipt of the slate declaration on the same date. The Regional Coordinator has confirmed that it was Ms Meldrum's intention both to declare her affiliation with a slate and to accept her nomination for the position of delegate through her signature on the slate form. The Election Officer therefore deems the slate declaration to be the equivalent of a written acceptance and would not invalidate Ms Meldrum's nomination for this reason. For the reasons set forth in Part I above, however, Ms Meldrum is ineligible to run for delegate, and the protest is therefore UPHELD.

If any interested party is not satisfied with this determination, he 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. 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.

Very truly yours,


Michael H Holland

cc Frederick B Lacey, Independent Administrator
Geraldine L Leshin, Regional Coordinator