



OFFICE OF THE ELECTION OFFICER  
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Michael H Holland  
Election Officer

February 4, 1991

**VIA UPS OVERNIGHT**

Patrick N. Clement  
4688 S 112 St  
Greenfield, WI 53228-2526

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

Slobodan Golubovic  
5908 South Western  
Clarendon Hills, IL 60514

Re: Election Office Case No. P-287-LU710-CHI  
E-212-LU810-CHI

Gentlemen:

The nominations meeting for Local 710 took place on January 13, 1991. Mr. Patrick Clement and Mr. Slobodan Golubovic filed timely protests of the eligibility of the following members to run for delegates:

William D. Joyce  
John D. Kelahan  
Frank J. Wsol, Sr.  
Hugh M. Corcoran  
William Krakowski  
George Leicht, Sr  
John Ormond  
Samuel J Bongiovinni  
James E Dawes  
Martin F. Dewan  
Robert N Falco, Sr  
Patrick Flynn

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<sup>1</sup>A portion of this protest originally including a challenge to the eligibility of Local 710 member Harding. That protest was resolved by a separate decision.

Patrick Clement  
Page 2

James M. Ramirez  
Annette M. Robinson  
Eugene Wade

All of the members challenged are salaried officers or business agents of Local 710.

#### I. Continuous Good Standing Status

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 Elections Officer has examined the dues payment history for each of the above nominees and these records reflect that each nominee paid his dues in a timely fashion for each month from January 1989 through December 1990. It follows that each was eligible to run.

#### II Amount of Dues Paid

Messrs Clement and Golubovic also alleged that the above nominees failed to meet the requirements of Article VI, § 1 (a)(1) of the *Rules* because of their failure to comply with Article X, § 3 (d) of the IBT Constitution where it states:

. . . The monthly dues of salaried officers and Business Agents shall be equal to the highest rate of dues paid by any member of the Local Union . . .

The Election Office conducted a full investigation of these allegations.

A. Description of the Investigation Process

The Election Office investigation included the following:

- A review of the dues paid by the 15 challenged candidates in 1989, 1990 and 1991;
- A review of the dues paid in 1989, 1990 and 1991 by all other candidates and other Local 710 members who had previously sought advance eligibility rulings, whose records were already in the possession of the Election Officer, some 50 in number;
- A review of the dues payment records for 1989, 1990 and 1991 of a randomly selected sample of 1,076 members of Local 710;
- Investigation into the filing of a similar protest with the United States Department of Labor with respect to the 1988 Local Union Officer election, which election was overseen by the Department of Labor; and
- Investigation as to whether any nominated candidate received a stipend from Local 710 in addition to his regular salary from the Local or had employment in the trade or craft other than his employment by the Local.

B. Results of Investigation

No nominated candidate was found to have received a stipend from the Local.

No nominated candidate worked at the trade or craft other than or in addition to his employment with Local 710, with the exception of one of the candidates whose term of office with Local 710 did not begin until 1990. (See additional discussion below.)

In total, the dues records of 1,141 members of Local 710, nearly 10% of the active members of the Local, were reviewed.

- Review of the 15 challenged candidates dues payment records reveals that each candidate, while a salaried officer, paid dues at the following rates:

1989	\$33.00/month
1990	\$34.00/month
1991	\$34.00/month

One challenged candidate, William Krakowski, was neither a Union officer or otherwise employed by Local 710 in 1989 and paid dues calculated at twice his then normal hourly rate of pay.

- Review of the other candidates (two of which, Jack L. Johnson and Francis McSweeney, were named by the members making the protest as specific examples of members of Local 710 whose dues exceeded those of the challenged candidates) as well as other members who had previously requested advanced eligibility determination, resulted in a finding that none of these members had ever paid dues at a rate in excess of the dues paid by the challenged candidates during the relevant time periods.
- Review of the 1,076 randomly selected members revealed that the highest dues paid by a member of Local 710 in the period 1989-91 were paid by William H. Blalock, employed by United Parcel Service in Southern Illinois, whose dues for each of the three years in question have been \$33.00/month, which dues, however, do not exceed the dues paid by the challenged candidates during their respective terms as salaried officials or employees of Local 710.

The office of the Election Officer has communicated with Mary McDonald, an investigator with the U.S. Department of Labor, who directly supervised the 1988 Local Union Officer election. As Ms. McDonald recalls, a protest was filed in 1988 on exactly the same grounds as the instant matter. After investigation, she found no factual basis for the allegations made in the protest and, therefore, denied it. Her determination was based upon a comparison of the dues paid by the candidates whose eligibility was challenged in 1988, the dues which would have been paid under the highest wage scale then in effect under any collective bargaining contract to which Local 710 was a party. Both Union officers and protestors in the 1988 USPOL matter stipulated that the wage scale under the United Parcel Service agreement would be the highest payable to a member of Local 710. Ms. McDonald's comparison revealed that the challenged candidates all paid dues equal to or greater than those which would have been paid by the highest paid UPS employee.<sup>2</sup>

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<sup>2</sup>In an effort to augment the review of the membership list, the Election Officer attempted to elicit a similar mutual agreement regarding the employer whose collective bargaining agreement would include the highest possible pay scale for any Local 710 member. Representatives of the slate which includes the persons filing this protest were unwilling to agree to identify an employer whose pay scale could act as a stipulated benchmark on which a dues calculation could be based for the purpose of comparison with the dues paid by the challenged candidates. It should be noted that the highest dues paying member discovered in the Election Officer's investigation, William H. Blaylock, is employed by United Parcel Service under the contract the parties to the 1988 Local Union Officer election protest stipulated was the one containing the highest wage scale paid to Local 710 members.

Patrick Clement  
Page 5

Conclusion

All nominated candidates' dues payments were in conformity with Article X, § 3 (d) of the IBT Constitution. Since each member listed above was eligible for nomination, and did not fail to pay the correct amount of dues prescribed by the IBT Constitution or the *Rules*, the protest is DENIED in its entirety.

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