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Michael H Holland
Election Officer

March 1, 1991

VIA UPS OVERNIGHT

Thomas P Lally
4128 Gunderson Avenue
Stickney, Illinois 60402

John R Reedy
8233 South New Castle
Burbank, Illinois 60459

Daniel Ligurotis
Trustee, Local 703
c/o IBT Local 703
300 South Ashland Avenue
Room 305
Chicago, Illinois 60607

Re: Election Office Case No. P-555-LU703-CHI

Gentlemen

A pre-election protest was filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In the protest, Thomas P Lally, contends that he and other candidates for delegate and alternate delegate positions from Local 703 to the 1991 IBT International Convention were denied adequate information to enable them to determine the deadline for filing a timely declaration to run as the "Honesty Slate "

Normally, in a delegate election, a declaration of a slate must be filed no later than one day after the nominations meeting The form is to be submitted to the Local Union Secretary-Treasurer See Article VII(1)(c) of the *Rules* However, Local 703 does not present the normal situation with respect to delegate and alternate delegate nominations

Local 703 is presently under trusteeship Given the trusteeship and the unusual circumstances surrounding the imposition of the trusteeship, the Election Officer ordered that the delegate and alternate delegate nominations for Local 703 be conducted solely by mail with no in-person nominations meeting Local 703 issued a notice of the nominating procedure The notice stated that written nominations must be received by February 15, 1991 [Friday] at 5 00 P M However, the notice did not state a deadline for the filing of slate declarations in the absence of the nominating meeting

Candidates seeking to form a slate known as "Teamster Alliance Slate" contacted

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the Regional Coordinator, were informed that the deadline for filing a slate declaration was one day after the February 15 nomination date and they submitted a declaration within that time frame

Mr Lally, seeking to form a slate known as the "Honesty Slate" called Don Heims, a representative of Daniel Ligurotis, the Trustee of Local 703, and requested information about the filing of a slate declaration Mr Lally has stated that Mr Heims was unable to provide him with any information Mr Heims has stated he has no recollection of what he said to Mr Lally

The Regional Coordinator held a meeting on Friday, February 15, 1991, the date the written nominations and seconds were due Present were the Regional Coordinator, Julie Hamos, Daniel C Ligurotis, the Trustee, and Mr Heims Those present discussed the issue of slate formation and the prior inquiry of Mr Lally with respect thereto These parties agreed that the deadline for submission of slate declarations would be extended through Tuesday morning, February 19, since the union office would be closed on Saturday, Sunday and Monday (Monday was a holiday) Mr Heims was to so notify Mr Lally

Not mentioned at this meeting was the fact that both Mr Heims and Mr Ligurotis would be at an AFL-CIO meeting in Bal Harbour, Florida, on Tuesday and Wednesday and would not be in the Local Union office Pursuant to Article VII, Section 1(b) of the *Rules*, and as indicated above, the slate declaration is filed with the Secretary-Treasurer of the Local Union Since Local 703 is under trusteeship, the declarations of slate affiliation for Local 703 would have to be filed with the trustee or his representative, Mr Heims Neither were available on Tuesday or Wednesday to accept the filing of any slate declarations

Mr Lally attempted, without success, to reach Mr Heims on Tuesday morning and on Wednesday regarding the filing of the declaration for the "Honesty Slate " On Thursday, February 21, Mr Lally called the Regional Coordinator and informed her that he had been unable to reach Mr Heims He filed the "Honesty Slate" declaration form on Thursday or Friday

Given the combination of unusual circumstances in this case, I find that the slate declaration for the "Honesty Slate" was timely filed The protest is GRANTED and such slate shall appear on the ballot

However, the "Honesty Slate" declaration lists two candidates for the position of alternate delegate, John R Reedy and Terrance Cooper, who had been nominated and seconded and had accepted, not for alternate delegate, but for delegate These names shall be struck from the "Honesty Slate " Absent their withdrawal, they each shall be placed on the ballot as independent candidates for the position of delegate

If any person is not satisfied with this determination, he may request a hearing before the Administrator within twenty-four (24) hours of his receipt of this letter Such

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request shall be made in writing and shall be served on Administrator Frederick B Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, N J 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

MHH/mca

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

THE FILING OF THE SLATE DECLARATION

Because of the peculiar circumstances presented by the history leading up to the imposition of the Trusteeship over Local 703, the Election Officer determined that the nominations process in Local 703 would be conducted entirely by mail, through written nominations and seconds. No nominations meeting was held. A notice of written nominations procedure was sent to all members of the Local. Pursuant to that notice, the written nominations and seconds were due no later than Friday, February 15, 1991.

The Notice did not provide for a specific date on which slate declarations must be filed. Article VII, Section 1.c. of the Rules For The IBT International Union Delegate And Office Election (the "Election Rules") provide that a declaration of intention to form a slate must be filed no later than one day after the nominations meeting. Thus, with respect to Local 703, the declaration of intent to form a slate should have been filed by candidates from Local 703 the day after the nominations were finally due, or a day after February 15. Because February 15 fell on a Friday, and was followed by a weekend and a holiday on Monday, February 18, Ms. Hamos, the Regional Coordinator, decided without disagreement from Mr. Heims to extend the deadline for slate declarations to Tuesday, February 19. Pursuant to Article VII, Section 1.d. of the Election Rules, slate declaration must be filed with the Secretary-Treasurer of the Local. In the case of Local 703, the slate declarations were to be filed, instead, with the Trustee, Mr. Ligurotis, or his representative, Mr. Heims.

On Tuesday, February 19, and on Wednesday, February 20, Mr. Lally, the complainant, attempted to reach Mr. Heims regarding his (Lally's) filing of a slate declaration. However, both Mr. Ligurotis and Mr. Heims were out of the office and attending an AFL-CIO meeting in Florida on those dates. Ms. Hamos was unaware of the AFL-CIO meeting when she set the Tuesday, February 19, deadline. On February 21, Mr. Lally called Ms. Hamos to advise her that he had not been able to file his slate declaration on February 19, or, for that matter, February 20, because the unavailability of Mr. Ligurotis and Mr. Heims. On Friday, February 22, Mr. Lally's slate declaration form was received by Mr. Heims.

With regard to the filing of a slate declaration, the Election Officer, in his Summary, states:

[I]t is clear that circumstances beyond Mr. Lally's control may have prevented him from making a timely filing. First, Local 703's office was closed during the weekend holiday that followed the final day of nominations, leading the Regional Coordinator to decide to permit the filing of the forms on Tuesday; second, and unbeknownst to the Regional Coordinator, both the Trustee of the Local 703 and his representative, Mr. Heims, the representatives authorized to receive such declarations, were absent from Local 703's office on that Tuesday as well as the next day. Accordingly, to hold Mr. Lally rigidly to the February 19 deadline when there was no authorized person to receive his filing would work an irrational and unjust result. Accordingly, Mr. Lally's declaration concerning the "Honesty Slate" was deemed timely filed. The "Honestly Slate" will, therefore, appear on the ballot.

For the reasons expressed by the Election Officer, his decision regarding the filing and acceptance of Mr. Lally's slate declaration is affirmed in all respects.

THE PRINTING OF THE BALLOT

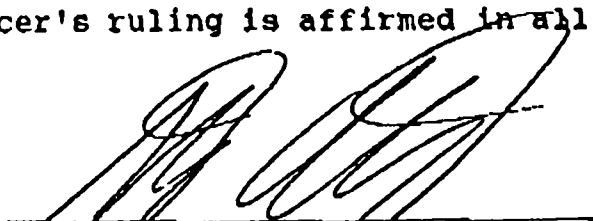
The second issue raised in this matter concerns the statement in the Local 703 nominations notice which specified that written nominations and seconds must state, inter alia, "[w]hether the nomination is for delegate or alternate." That requirement is mandated by the Election Rules for all written nominations, whether or not a nominations meeting is held. Election Rules, Article II, Section 3.f. Such requirement is necessitated by the provision of the Election Rules which requires that "[a]ll Local Unions shall nominate delegate candidates separately from alternate candidates." Election Rules, Article II, Section 3.c.

Certain nominations, seconds and acceptances of candidates who subsequently attempted to form the "Honesty Slate" with Mr. Lally were duly received by February 15, the deadline for the written nominations. Among these were the nominations of John R. Reedy and Steve Casazza for delegate. Mr. Lally's slate declaration form, however, listed Messrs. Reedy and Casazza as members of the slate running for the position of alternate delegate, not the position of delegate. In light of this, the Election Officer directed that the names of Reedy and Casazza not appear on the ballot as candidates on the Honesty Slate for the position of alternate delegate. The options given were for Reedy and Casazza to withdraw as candidates or to appear as independent candidates for delegate positions. In support of this conclusion, the Election Officer states in his Summary:

By the February 15 deadline for nominations, it is clear that Messrs. Reedy and Casazza had been nominated and seconded for the position of delegate, not alternate delegate. There is no evidence whatsoever that a subsequent nomination, second and acceptance of these same individuals for the position of alternate was received later that same day. To the contrary, when the Adjunct Regional Coordinator examined the submissions received by the Local Union on both Wednesday, February 20, and Thursday, February 21, he did not find a second set of nominations for Messrs. Reedy and Casazza. Not until February 22 -- when Mr. Lally's slate declaration was received -- were new nominations, seconds and acceptances for Messrs. Reedy and Casazza as alternate delegates seen or received by an Election Office representative. Although the slate declaration filing was deemed timely for the reasons set forth above, no basis exists for permitting new and second nominations, seconds and acceptances to be untimely filed for Messrs. Reedy and Casazza solely to enable them to participate on the Honesty Slate as alternate delegate candidates.

Mr. Lally contends, however, that late in the afternoon on February 15, 1991, but prior to 5:00 p.m., he delivered to the Union hall, via a mail drop, new nominations and seconds for Reedy and Casazza as alternate delegates. Based on the facts as presented to and discovered by the Election Officer during his investigation, Mr. Lally's contention was not credited. I cannot say that the Election Officer's factual determination here is clearly erroneous or an abuse of discretion and, thus, I accept it.

Accordingly, the Election Officer's ruling is affirmed in all respects.



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

Dated: March 11, 1991.