



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Election Officer

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April 29, 1991

VIA UPS OVERNIGHT

William C. Fowler
64 Regal Court
Babson Park, FL 33821

Robert R. Cummins
President, IBT Local Union 79
5818 E. Buffalo Avenue
Tampa, FL 33619

Re: Election Office Case No. P-710-LU79-SEC

Gentlemen

A protest has been filed pursuant to *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest, William C. Fowler, an unsuccessful candidate for delegate, alleges that Robert R. Cummins, the President of Local 79 and a successful delegate candidate, changed, subsequent to the delegate election, the Local Union procedure for convention expense reimbursement contrary to the Local Union Election Plan and the *Rules*

The protest was investigated by Regional Coordinator Don Williams. The investigation discloses the following facts. In its Local Union Election Plan, the Local proposed to pay the reasonable expenses of its delegates for their attendance at the IBT Convention in conformity with a motion passed at its July 18, 1990, Executive Board meeting. The minutes of that Board meeting reflect the following:

Due to close proximity of Orlando to Tampa, and the excessive cost of lodging, Leo Krug made the motion that whoever is elected as delegates to the 1991 IBT Convention will not be paid for lodging in the Orlando vicinity. However, the Local Union will continue to pay for lost wages (up to 8 hours per day), mileage (25 cents per mile) and meals.

The Local has now decided to pay for the hotel expenses for its delegates at the Convention site, rather than require the delegates to travel back and forth between Tampa and the Convention.

The *Rules* provide that Local Unions shall be required to send and pay the expenses of all the delegates to which the Local is entitled at the 1991 International Convention, *Rules*, Article II, §10(d) The Election Officer has recently promulgated an Advisory Regarding Convention Expenses, a copy of which is attached to this decision The Advisory provides in relevant part "Given the full schedule of business to be accomplished at the 1991 IBT International Union Convention and the possibility, if not probability, of night sessions, the Elections Officer will deem it unreasonable, absent the most extraordinary circumstances, for the Local Union to require its delegates and alternates to travel to and from the Convention site on a daily basis "

Thus the Election Officer finds it reasonable that this Local Union has now decided to pay the hotel expenses of its delegates, notwithstanding its initial planning to require daily travel to and from the Convention site The Election Officer notes that the Local Union Election Plan was finalized prior to the actual planning of the Convention It has now become apparent that the schedule of business meetings may require night sessions Thus, the Advisory requires that Local Unions provide for the lodging of their delegates and, if applicable, their alternates, at or about the Convention site, even where the delegates reside within fifty miles of the Convention site Thus, the Election Officer would have required the Local to do the very thing about which Mr Fowler complains

Based on the foregoing, the protest is 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 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/mjv

cc Frederick B Lacey, Independent Administrator
Don Williams, Regional Coordinator