

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H. Holland
Election Officer

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May 22, 1991

VIA UPS OVERNIGHT

Ronald L. Cox
2719 Center Avenue
Alliance, OH 44601

Gus Nickolas
President
IBT Local 92
1127 Ninth St., SW
Canton, OH 44706

Re: Election Office Case No. P-764-LU92-CLE

Gentlemen:

A protest has been filed pursuant to Article XI, §1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In his protest Ronald Cox, an elected delegate, alleges that Gus Nickolas, President of Local 92 has refused reasonable convention expense reimbursement for delegates contrary to the *Rules*.

The protest was investigated by Regional Coordinator Joyce Goldstein. The investigation discloses the following facts: The Local Union has promulgated a convention reimbursement policy that requires elected delegates to utilize vacation leave to replace lost wages for time engaged in convention business. Further, the Local Union has advised its delegates that it will reimburse hotel expenses for six nights and that it will reimburse at the rate of \$98.00 per night. This is the rate charged by the Travel Lodge where the Local has arranged for delegate housing. Additionally, the Local Union has informed its delegates that it will pay 5 days per diem at the rate of \$100.00 per day. Cox protests each of these features of the reimbursement policy. Further Cox intends to stay at the Convention from Saturday, June 22, 1991 through Friday, June 28, 1991, and he protests the Local refusal to pay his hotel expenses for Saturday night.

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 also issued on April 19, 1991, an Advisory Regarding Convention Expenses, ("Advisory") which further explicates the expense reimbursement requirements of the *Rules*. The Advisory provides

Ronald L. Cox
Page 3

Based on the foregoing the Local is directed to modify its reimbursement policy so that it conforms with the Rules and the Advisory in the following respects:

- (1) The Local is directed to pay its delegates one week of lost wages as described in the Advisory;
- (2) The Local Union is directed to provide its delegates with an advance of \$130.00 per day for seven days in per diem expenses. The per diem can be pro rated should a delegate leave the Convention site to return home early.
- (3) The Local is directed to reimburse its delegates for six nights of hotel lodging at a rate not to exceed the rate charged by the Travel Lodge.

The President of the Local Union shall file an affidavit with the Election Officer no later than May 28, 1991 indicating compliance with this decision.

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/pjm

cc: Frederick B. Lacey, Independent Administrator

Joyce Goldstein, Regional Coordinator
Attorney At Law
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