

OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001

Michael H. Holland  
Election Officer

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June 12, 1991

VIA UPS OVERNIGHT

Mr. Steve MacDonald  
975 Hillview Drive  
Dixon, California 95620

Casey Sawyer, Secretary-Treasurer  
IBT Local Union 490  
445 Nebraska Street  
Vallejo, California 94590

Re: Election Office Case  
No. P-799-LU490-CSF

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Steve MacDonald, a certified delegate to the 1991 IBT International Union Convention from Local Union 490. In his protest, Mr. MacDonald contends that Local Union 490 is violating the *Rules* with respect to its policy regarding expense reimbursement of its delegates attending the 1991 Convention.

The *Rules*, as further explicated by the Advisory Regarding Convention Expenses, issued April 19, 1991 ("Advisory"), requires Local Unions to pay the expenses of their delegates, and, if applicable, their alternate delegates to attend the 1991 IBT International Union Convention. The expenses for which the Local Union is responsible include: (1) travel expenses, (2) hotel room expenses, (3) per diem advances, and (4) salary or

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wage reimbursement. With respect to per diem advances, the Advisory provides that the Election Officer considers \$130.00 per day to be reasonable. This is the amount paid by the International Union for per diem expenses, which are in addition to the amount paid by the International Union for lodging and travel costs. The Election Officer deems per diem expense advances of less than \$130.00 per day to be unreasonable.

Thus, the policy of the Executive Board of Local 490 limiting per diem expenses to \$60.00 per day violates the Rules. Local Union 490 must provide expense advances of \$130.00 per day to its delegates. All such expense monies must be utilized for Convention related expenses, as documented by receipts. All expense monies advanced, not documented by receipts, must be returned to the Local Union after the Convention.

The Advisory further provides that it is unreasonable for the Local Union to refuse to advance per diem expense money to its delegates. Thus, upon request of a delegate, the Local is obligated to advance up to the full amount of all daily expense allowances, at the \$130.00 per day, in accordance with the delegate's request.

Per diem expense monies are to be utilized for any and all Convention related expenses not otherwise paid by the Local Union. Among such expenses are local transportation costs in and around the Convention site. Thus, the cost of renting an automobile for Convention related travel in Orlando, Florida is properly chargeable against per diem expenses.

The protest of Mr. MacDonald is granted to the extent set forth above.

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24)


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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  
Election Officer

MHH/ib

cc: Frederick B. Lacey, Independent  
Administrator, IBT  
Donald E. Twohey, Regional Coordinator

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IN RE:	:	91 - Elec. App. - 165 (SA)
	:	
STEVE MacDONALD	:	
	:	
and	:	DECISION OF THE
	:	INDEPENDENT
IBT LOCAL UNION NO. 490	:	ADMINISTRATOR
	:	
	:	

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This matter arises out of an appeal from a decision of the Election Officer in Case No. P-799-LU490-CSF. A hearing was held before me on June 19, 1991. At that hearing, Casey Sawyer, Secretary-Treasurer of Local 490 was heard via telephone conference and John J. Sullivan, on behalf of the Election Office, was heard in person.

This matter concerns the Election Officer's "Advisory Regarding Convention Expenses" ("Advisory"). In the Advisory, the Election Officer states that a one hundred thirty dollar per diem payment is a reasonable daily allowance for delegate expenses during the Convention. In reviewing the Advisory in the matter of In Re: Hasegawa, 91 - Elec. App. - 156 (SA) (June 6, 1991), the Independent Administrator stated as follows:

The Advisory reflects a well-reasoned approach to regulating a Local Union's obligation to defer the expenses of delegates and alternate delegates attending the IBT Convention as well as the Local's obligation in regards to compensating delegates and alternate delegates for their lost wages while attending the Convention. The Advisory is consistent with the Rules For The IBT International Union Delegate And Officer Election ("Election Rules") and reflect the Election Officer's expertise. The Advisory is deserving of great

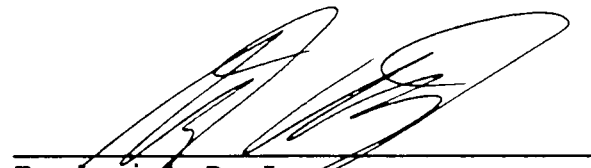
deference and its directives will not be disturbed. In short, any appeals regarding the substance of the Advisory will be summarily denied. Appeals concerning the application of the Advisory's directives, however, will, of course, be considered in due course.

Local 490 challenges the one hundred thirty dollar per diem amount arguing that it is excessive and that a more reasonable per diem amount would be sixty dollars. The Local indicates that it does not want to pay for delegates' alcohol or dinner guests.

The concerns of the Local here are premature. As stated in In Re: Hasegawa, the substance of the Advisory will not be disturbed. Local 460 must issue to its delegates the per diem of one hundred thirty dollars.

Pursuant to the Advisory, however, all delegates must supply to the Local receipts documenting all of their expenditures and return to the Local any monies not accounted for. The Local, at the time it receives these receipts, will have the right to challenge any expenditure as unreasonable. The Election Officer, however, is not currently obligated to issue additional advisory opinions as to what may constitute an unreasonable expenditure.

For the reasons expressed herein, the Election Officer's decision is affirmed.



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

Dated: June 20, 1991