

February 15, 1996

VIA UPS OVERNIGHT

Barney W. Smith
402 N. Rock Drive
Houston, TX 77073

Richard A. Hammond, President
Teamsters Local Union 988
3100 Katy Freeway
Houston, TX 77007

Henry R. Vasquez
90 Uvalde #302
Houston, TX 77015

Re: Election Office Case No. E-077-LU988-EOH

Gentlemen:

In response to a pre-nomination request for eligibility verification from Henry R. Vasquez, a member of Local Union 988, the Election Officer found him eligible to run for delegate or alternate delegate to the International convention. Mr. Vasquez was nominated for alternate delegate at the Local Union 988 nomination meeting on January 28, 1996. Barney Smith, also a member of Local Union 988, filed a protest concerning the eligibility of Mr. Vasquez, stating that he may not be eligible because he transferred to Local Union 988 less than two years ago.

In order to be eligible to run for delegate to the International convention, a member must be in continuous good standing with his local union, with his dues paid to the local union for a period of 24 consecutive months prior to the month of nomination with no interruption in active membership due to suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments. ***Rules for the 1995-1996 IBT International Union Delegate and Officer Election*** ("*Rules*"), Article VII, Section

1(a)(1).

Article VII, Section 2(g) of the *Rules* states:

In the case of a member who has been involuntarily transferred from one Local Union to another, such member must have worked at the craft under the jurisdiction of the original Local Union and must have been so employed in continuous good standing on a cumulative basis in both Local Unions for a total of twenty-four (24) consecutive months prior to the month of nomination.

Mr. Vasquez transferred to Local Union 988 in October 1994 when the Roadway Express terminal in which he was employed closed and the employees transferred to other Roadway terminals. Since his transfer was involuntary,¹ it is not a bar to his eligibility so long as he has a cumulative record of 24 months' continuous good standing. Mr. Vasquez's record indicates he did maintain his good standing before and after his transfer. Accordingly, it is the determination of the Election Officer that he is eligible to run for alternate delegate to the International convention.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one day of 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:

Kenneth Conboy, Esq.
Latham and Watkins
885 Third Avenue, Suite 1000
New York, NY 10022
Fax (212) 751-4864

¹Mr. Vasquez was given the option of transferring to Roadway terminals in Dallas and Houston. He chose Houston, where employees are represented by Local Union 988, because he had greater seniority protection there. The Election Officer has previously determined that a transfer precipitated by a change of operations and made in an effort to maintain greater seniority protection is considered involuntary. See Gray, E-005-LU325-EOH.

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Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 North Capitol Street, Suite 855, Washington, D.C. 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel
Election Officer

cc: Kenneth Conboy, Election Appeals Master
Dolores Hall, Regional Coordinator