

IN RE:

SHADRAK GOODLOE

01 - Elec. App. – 023 (KC)

This matter is an appeal from the Election Administrator’s (the “EA”) decision 2001 EAD 103, issued January 25, 2001, in the Office of the Election Administrator’s Case Nos. E0109113WE, et al. The appeal hearing was requested jointly by Shadrach Goodloe, one of the subjects of the instant protest and a member of Teamsters Local Union 743 in Chicago, Illinois; Reginald Ford, also a member of Teamsters Local Union 743; and Marvin Gittler, Esq. as attorney for Mr. Goodloe.

A hearing was held before me on February 1, 2001. The following persons were heard by way of teleconference: Jeffery J. Ellison, Esq. and Lois Tuttle, for the Election Administrator’s Office; Mr. Goodloe; Mr. Ford; Mr. Gittler and Robert Watson, Secretary-Treasurer of Local Union 743. No further submissions were received on this matter.

In this expedited appeal, the EA’s investigation found that Mr. Goodloe retired from his job at the University of Chicago Hospitals (the “University”) in November, 2000.¹ The International Brotherhood of Teamsters Constitution (the “IBT Constitution”), under Article 18, Section 6(b), mandates that “[a] withdrawal card shall be issued to any member ... who has retired.”² Therefore, since withdrawal is one of the conditions that interrupts the twenty-four

¹ The Decision incorrectly identified this date as November 1999, and it was corrected to November 2000 by Mr. Ellison during his presentation at the hearing.

² If a member continues to work at the craft, this provision is inapplicable. According to the facts presented at the hearing, since Mr. Goodloe has not continued to work at the craft since he left his position in November, 2000, he does not fall under this exception. The Election Administrator asserts that Mr. Goodloe has shown no evidence that he falls under the exception in Article II, Section IV of the IBT Constitution, which provides that if a “...member on withdrawal deposits his card in the month immediately following the month for which it was effective and pays his dues for both months in a timely manner... such period of withdrawal shall not be considered a break in continuous good standing in the Local Union.”

(24) consecutive months of continuous good standing requirement under Article VI, Section 1(a)(1) of the Rules, the Election Administrator found Mr. Goodloe to be ineligible to run for delegate.

Mr. Goodloe argues that he did not in fact retire from the union, but has merely taken his pension with the intention of returning to work in the future on a part time basis (See, Paragraph 6, Goodloe Affidavit, attached to his January 26, 2001 Request for Appeal). Therefore, he insists, it is Article VI, Section 6(a) of the IBT Constitution that is applicable to this case. Under this section Mr. Goodloe argues that he was not required to take a withdrawal card until six months after he leaving his job at the University, and therefore would have no interruption in his twenty-four (24) consecutive months of continuous good standing. He also contends that he is actively seeking and is available for employment.

The determination of this matter turns on when a member is deemed to be retired as contemplated under Article VI, Section 6 (b) of the IBT Constitution. Mr. Goodloe has presented no evidence, either in writing or at argument, that would allow me to overrule the EA's factual determination that Mr. Goodloe has indeed retired. Mr. Goodloe's application for his pension clearly supports the EA's ruling. At the hearing, Mr. Goodloe noted through his counsel that he did not take a withdrawal card when he left the University and has continued to pay dues on a cash basis since November 2000. However, under Article II, Section 4 of the IBT Constitution, "Failure of a Local Union to issue a withdrawal card shall not be conclusive proof that a nominee was actively employed at the craft within the jurisdiction of the Local Union during the required twenty-four (24) month period prior to his nomination if a challenge is made based on evidence to the contrary..." In addition, the fact that Mr. Goodloe has been on vacation since he left the University, according to his counsel, supports the EA's position.

Accordingly, I affirm the Election Administrator's decision and find Shadrack Goodloe to be ineligible to run for delegate in Local Union 743.

____s/Kenneth Conboy_____
Kenneth Conboy
Election Appeals Master

Dated: February 2, 2001