

IN RE:

SANDRA BHOELAI

01 - Elec. App. – 027 (KC)

This matter is an appeal from the Election Administrator’s decision 2001 EAD 105, issued January 29, 2001. The appeal hearing was requested by Virginia (Ginger) Knight, a member of Teamsters Local Union 320 in Minneapolis, Minnesota and a candidate for delegate on the “Working Teamsters for Tom Leedham” Slate (the “Working Teamsters Slate”) in Local Union 320.

A hearing was held before me on February 6, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. and Lisa Sonia Taylor, Esq. for the Election Administrator’s Office (“EA”); Ms. Knight; Ms. Sandra Bhoelai, the subject of the protest and a member of both the Working Teamsters Slate and Local Union 320; Mr. Eric Jensen, also a member of both the Working Teamsters Slate and Local Union 320; and Ms. Susan Mauren, the protestor and Secretary-Treasurer of Local Union 320. No further submissions were received on this matter.

Ms. Mauren’s protest alleges that Ms. Bhoelai did not pay her initiation fee and is therefore ineligible to run for delegate under the requirements of Article VI, Section 1(a)(1) of the Rules. Ms. Bhoelai argues that she believed her initiation fee was waived when she became a member of the Local Union in 1998 since, she claims, it was waived for others. She further claims that she assumed she was a member in good standing since she was treated in a manner consistent with being a fully accredited member of the Local Union. She attended union meetings and had dues withdrawn from her check.

In his initial determination, the EA found Ms. Bhoelai to be ineligible because she failed to pay her initiation fee. He cited In Re: Ruth K. Hamada et al, Election Office Case No. E-018-LU763-EOH (January 29, 1999) affirmed 96 Elec. App. 71 (KC) (February 1, 1996), which held that a member who fails to pay his/her intuition fee is not in good standing under the Rules and therefore ineligible to serve as delegate.

However, during the hearing, the EA explained that further investigation showed Ms. Bhoelai had signed a check off card authorizing her employer to deduct not only her monthly dues but also any initiation fees or delinquent fees she should incur. Under Article X, Section 5 of the International Brotherhood of Teamsters (“IBT”) Constitution, an employee does not lose his/her good standing due to the employer’s late or non-payment of dues or fees¹. The EA concluded that Ms. Bhoelai should not be penalized for the non payment of her initiation fee. Accordingly, the EA requested that his original determination be reversed and that Ms. Bhoelai be declared eligible to run for delegate.

Ms. Mauren, on behalf of Local Union 320, took exception to the EA’s analysis, arguing that under the Local Union’s collective bargaining agreement with Ms. Bhoelai’s employer, no initiation fees were to be taken out of the employee’s paycheck. This is, however, even if an accurate interpretation of the Agreement, which is not before me, insufficient on the record to allow me to reject the EA’s position.

¹ Article X, Section 5(c) of the IBT Constitution states:
[A] member on dues check off whose employer fails to make a proper deduction during any month in which the member has earnings from which the dues could have been deducted, shall not lose good standing status for that month. In such an event, the Local Union shall notify the member of his employer's failure and payment shall be made by the member within thirty (30) days of said notice in order to retain good standing status.

The decision of the EA is accordingly, reversed and Sandra Bhoelai is declared to be eligible under the Rules to run for delegate.

____s/Kenneth Conboy _____
Kenneth Conboy
Election Appeals Master

Dated: February 14, 2001