John Lesicko, member of Local Union 377, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2010-2011 IBT International Union Delegate and Officer Election (“Rules”). The protest alleged that delegate candidate Bobbi Terwilliger is ineligible for nomination because she lacked the continuous good standing required for that position; the protest further alleged that Rich Sandberg’s nomination as delegate was invalid because the person who seconded his nomination was ineligible to do so.

Election Supervisor representative Maria Ho investigated this protest.

Findings of Fact and Analysis

Under Article VI, Section 1(a) of the Rules for the 2011 IBT Election, “[t]o be eligible to run for any Convention delegate, alternate delegate or International Officer position, one must: (1) Be a member in continuous good standing of the Local Union, with one’s dues paid to the Local Union for a period of twenty-four (24) consecutive months prior to the month of nomination for said position with no interruptions in active membership due to suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments; (2) Be employed at the craft within the jurisdiction of the Local Union for a period of twenty-four (24) consecutive months prior the month of nomination; and (3) Be eligible to hold office if elected.”

The nominations meeting for Local Union 377’s delegates and alternate delegates election was held January 11, 2011. Accordingly, the 24 month period during which candidates must be in continuous good standing in order to be eligible for nomination ran from January 2009 through December 2010. To verify Terwilliger’s eligibility during this period, we reviewed her TITAN record for dues remittances received from her or remitted on her behalf.

Terwilliger paid dues by check-off authorization with her employer, St. Elizabeth Health. Her TITAN record showed that her dues were deducted and remitted to the local union one month ahead of the month to which they applied. Thus, dues for January 2009, the first month of the eligibility period, were posted to her TITAN record as received by the local union on December 23, 2008. This circumstance repeated in each month of the eligibility period, so that Terwilliger’s December 2010 dues were posted by the local union as received on November 23, 2010. On this record, we find Terwilliger ELIGIBLE and DENY the protest with respect to her.

Protestor Lesicko also claimed that Sandberg’s nomination is invalid because the person who seconded his nomination, Terwilliger, was ineligible to do so. To be eligible to nominate or second a nomination, a member must be “in good standing, with his/her dues paid through the
month prior to the nominations meeting.” Article II, Section 5(h). Terwilliger exceeds this standard, as her dues were paid through January at the time of the January nominations meeting. Accordingly, we DENY the protest challenging the validity of Sandberg’s nomination.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Supervisor in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
885 Third Avenue, Suite 1000
New York, NY 10022
Fax: (212) 751-4864

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1801 K Street, N.W., Suite 421 L, Washington, D.C. 20006, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy

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