

***CONVENTION  
PROTEST  
DECISIONS***

***ELECTION OFFICE CASE NOS.***

***CONV-1-LU769-SOU to CONV-20-LU41-MOI***

***VOLUME I***

***Michael H. Holland  
Election Officer  
June 1992***

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Election Officer

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June 19, 1991

Mr. Jack Barmon  
11760 S.W. 83rd Court  
Miami, Florida 33156

Stanley Lichtman, Secretary-Treasurer  
Teamsters Local Union No. 769  
8350 N.W. 7th Avenue  
Miami, Florida 33150

Re: Election Office Case No. CONV-1-LU769-SOU

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"), a copy of which is enclosed. In his protest Jack Barmon, a certified delegate from Local Union 769, alleges that the Local is violating the *Rules* by refusing to provide him, and its other delegates, with a per diem expense advance in excess of \$50.00 per day.

On April 19, 1991, the Election Officer issued an *Advisory Regarding Convention Expenses ("Advisory")* detailing the requirement of the *Rules* obligating IBT Local Unions to pay the expenses of their delegates to attend the 1991 IBT International Convention. The *Advisory* notes that the Election Officer will consider a per diem expense advance of \$130.00 per day to be reasonable. This is the amount paid by the International Union as per diem expenses, in addition to the International's payment of hotel and transportation costs. The Election Officer has determined that per diem advances of less than \$130.00 per day are unreasonable.

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Teamsters Local Union No. 769

Of course, as noted in the Advisory, all per diem expenses must be documented by receipts. All per diem expense monies advanced but not so documented are to be returned to the Local Union.

In accordance with the foregoing, the protest is GRANTED. Local 769 is obligated to provide its delegates with a per diem advance of \$130.00 per day.

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) 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 filed with the Office of the Independent Administrator, IBT, c/o Walt Disney World Dolphin Hotel, Suite 1033, 1500 EPCOT Resort Boulevard, Lake Buena Vista, Florida 32820, Facsimile (407) 560-1370. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, c/o Walt Disney World Dolphin Hotel, Australia 3, 1500 EPCOT Resort Boulevard, Lake Buena Vista, Florida 32820, Facsimile (407) 560-1365. A copy of the protest must accompany the request for a hearing.

Very truly yours



Michael H. Holland  
Election Officer

Enclosure

MHH/ib

cc: Frederick B. Lacey, Independent Administrator, IBT  
Donald H. Williams, Regional Coordinator



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.

The Independent Administrator re-affirmed his decision in In Re: Sawyer, 91 - Elec. App. - 165 (SA) (June 20, 1991).

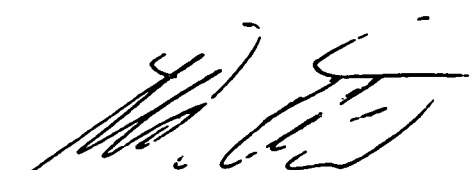
Local 769 challenges the one hundred thirty dollar per diem amount arguing that it is not consistent with the past practice of the Local. The past practice of Local 769, according to Mr. Cannestro's submission, is, in the case of conventions, to pay travel and hotel costs, plus a per diem advance of fifty dollars.

As stated in In Re: Hasegawa, the substance of the Advisory will not be disturbed. Local 769 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 21, 1991