



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Election Officer

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June 28, 1991

Mr. Bob Highfill
Route 5, Box 77A
Siloam Springs, Arkansas 72761

Ott L. Rogers, Secretary-Treasurer
Teamsters Local Union 373
4314 South Phoenix
Fort Smith, Arkansas

Re: Election Office Case No. Conv-12-LU373-SEC

Gentlemen:

A protest has been filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by the certified delegate from Local 373 to the IBT International Convention. Mr. Highfill alleges that the Local did not provide him with the total amount of an advance for per diem expenses as set forth in the *Advisory Regarding Convention Expenses* ("Advisory") issued by the Election Officer on April 19, 1991. Mr. Highfill further alleges that the Local has denied his request to use a portion of his per diem for car rental.

Mr. Highfill states that the Local provided him with a \$500.00 advance for per diem expenses rather than to advance him the \$130.00 daily per diem for seven days as required by the *Advisory*. Mr. Highfill also requested that the costs he incurred in renting a car for his Local transportation in Orlando, Florida be included as part of his per diem expenses. The Local advised Mr. Highfill that any car rental expense would not be reimbursed. The Local contends that there is an abundance of ground transportation that delegates can use to travel from the airport to the hotel and from the hotel to the Convention Center. The Local also stated that the Local does not pay per diem but would reimburse Mr. Highfill for any reasonable expenses, upon the presentation of receipts. The Local did advance Mr. Highfill \$500.00 for his expenses while attending the Convention.

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Attendance by delegates at the Convention is official Union business. Article II, Section D of the *Rules* requires Local Unions to send and pay the expenses of all delegates to which the Local is entitled for attendance at the Convention. In the *Advisory*, the Election Officer states that each Local is responsible for the per diem expenses of its delegates. The Election Officer has determined that a reasonable per diem expense allotment is \$130.00 for each day of attendance at the Convention up to seven days. This sum is in addition to payment for transportation and hotel expenses which is also an obligation of the Local. Delegates are required to furnish receipts to the Local supporting any expenditures and to return all advanced expense monies not so documented.

Failure of the Local to advance per diem expense monies to a delegate is a violation of the *Rules*. *Advisory* page 4. The Independent Administrator has determined that the *Advisory* is consistent with the *Rules*. Hasegawa and IBT Local Union No. 174 and Teamsters Joint Council 28, 91 Elec.App. 156 (SA), June 6, 1991, aff'd. 88 Civ. 4486 (DNE) (S.D.N.Y., June 19, 1991).

The Local has advised that all documented expenses submitted by Mr. Highfill shall be reimbursed promptly upon his submission of receipts, including expenses in excess of the \$500.00 advance. The Local further agrees that all such expenses shall be reimbursed upon receipt of the appropriate documentation from Mr. Highfill. Based upon the representations of the Local to the Election Officer, the Election Officer determines that the portion of the protest concerning the full per diem advance is resolved. To the extent that Mr. Highfill submits receipts to the Local for payment of a rental car or any other expense the Local does not consider reasonable the Election Officer directs that the Local shall reimburse Mr. Highfill for any such expenses; however, the Local may initiate a protest concerning each

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expense reimbursement if it questions the reasonableness of the expenditure. See In re Palmer, 91 Elec.App. 169.

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 served on Independent Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D. C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours,



Michael H. Holland

Enclosure

MHH/ib

cc: Frederick B. Lacey, Independent Administrator, IBT
Ott L. Rogers c/o Yacht Club
Bob Highfill c/o Caribbean Beach Hotel