



OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
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Washington, DC 20001

Michael H Holland  
Election Officer

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July 11, 1991

James Earl Buck  
6819 N Congress  
Kansas City, MO 64152

Dennis Speak  
Secretary-Treasurer  
IBT Local Union 41  
4501 Van Brunt Blvd  
Kansas City, MO 64130

Re: Election Office Case No. Conv.-20-LU41-MOI

Gentlemen

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by James Earl Buck, a certified delegate to the 1991 IBT International Union Convention from Local Union 41. Mr. Buck protests that Local Union 41 is reimbursing him, as lost wages incurred for Convention attendance, for only 40 hours at "Union scale," i.e., at his regular straight time hourly rate. Mr. Buck complains that other delegates paid on a salary basis will receive their regular salary to reimburse for their attendance at the 1991 IBT International Union Convention, but that he, by receiving only the straight time rate, will be reimbursed at a rate less than the amount he would have received from his regular employer if he had worked and not attended the 1991 IBT International Union Convention.

The reimbursement being provided Mr. Buck by Local 41 is in accord with the requirements of the Advisory Regarding Convention Expenses, issued April 19, 1991 ("*Advisory*"). The Advisory specifically provides that the Local is obliged to reimburse its delegates, normally paid on an hourly basis, "straight time hourly wages excluding overtime mileage or other premiums for 40 hours . . ." Premium pay such as overtime, mileage, shift differential and the like are provided to compensate an employer for difficult and/or unfavorable working conditions, conditions not present at the 1991 IBT International Convention. Therefore the Local need not include such premium payments as part of its wage reimbursement. The Election Officer's position in this regard has been previously upheld by the Independent Administrator. See Hasegawa and IBT Local Union No. 174 and Teamsters Joint Council No. 28, 91-Elec App -156 (SA) (June 6, 1991, affirmed 88 Civ 446 (DNE) (SDNY, June 19, 1991).

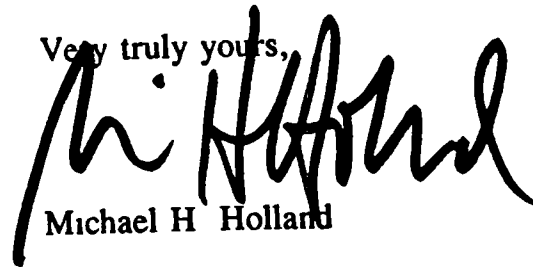
Local 41 will reimburse Mr. Buck and other delegates receiving hourly wages for

James Earl Buck  
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40 hours straight time pay. The Local has not violated the *Rules* or the Advisory<sup>1</sup>  
Accordingly, the protest is DENIED.

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

MHH/mjv

cc Frederick B Lacey, Independent Administrator  
Michael D Gordon, Regional Coordinator

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<sup>1</sup>All parties are reminded that the *Rules* require that all delegates be treated equally. Thus to the extent that the Local reimburses any delegate for premium pay or fringe benefits, such as health and welfare or pension payments, all delegates must be similarly reimbursed.