

OFFICE OF THE ELECTION OFFICER
% IN, NATIONAL BROTHERHOOD OF TELEPHONISTS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H Holland
Election Officer

(202) 624-8778
1-800-828-6496
Fax (202) 624-8792

June 21, 1991

Mr. Brian C. Palmer
270 Fairwood Drive
Tiverton, Rhode Island 02878

Alfred Andrade, Secretary-Treasurer
IBT Local 526
4 Anawan Street
Fall River, Massachusetts 02722

Re: Election Office Case No. Conv-5-LU526-ENG

Gentlemen:

A protest has been filed, a copy of which is attached, pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"), by Brian C. Palmer, the certified delegate from Local 526 to the IBT International Convention. Mr. Palmer alleges the Local has refused to provide him with 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. Palmer states that on or about May 19, 1991, he sent a letter requesting an advance of the per diem expense money as set forth in the *Advisory*. The letter further states that upon his return from the Convention he will provide the Local with receipts for Convention related expenses. 1/ Given his travel plans, Mr. Palmer requested that the advance be given to him before June 19, 1991. On or about June 18, 1991, Mr.

1/ Mr. Palmer will be obliged, of course, to return any advance expense monies not documented by receipts.

June 21, 1991

Mr. Brian C. Palmer
Alfred Andrade, Secretary-Treasurer
IBT Local 526

Palmer contacted the Local Union office concerning the advance for per diem expenses and was advised that no advance would be provided by the Local Union. He was told that he should submit his receipts upon his return from the Convention and presumably receive reimbursement at that time. Mr. Andrade, Secretary-Treasurer of the Local, has stated that the Local does not have sufficient funds to advance any sum for per diem expenses to Mr. Palmer.

Attendance by delegates at the Convention is official Union business. Article II, Section 10(d) of the *Rules* requires Local Unions to send and pay the expenses of all delegates to which the Local is entitled to be 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.

A refusal by the Local to advance per diem expense monies to a delegate is unreasonable and a violation of the *Rules*. *Advisory* page 4. The Independent Administrator has determined that the *Advisory* is consistent with the *Rules* and that its directives will not be disturbed by the Independent Administrator. Hasegawa and IBT Local Union No. 174 and Teamsters Joint Council 28, 91 Elec.App. 156 (SA), June 6, 1991, aff'd No. 88 Civ. 4486 (DNE) Order (D.C.N.Y. June 19, 1991).

Accordingly, the protest is **Granted**. The Secretary-Treasurer of Local 526, Alfred Andrade, is hereby directed to advance to Brian C. Palmer the sum

Page 3

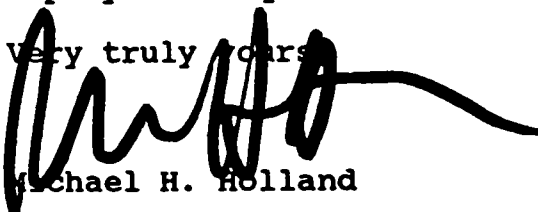
June 21, 1991

Mr. Brian C. Palmer
Alfred Andrade, Secretary-Treasurer
IBT Local 526

of \$910.00 no later than the close of business on June 21, 1991. An appeal of this decision shall not stay this order to advance the monies to Mr. Palmer.

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 32810, 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

MHH/ib

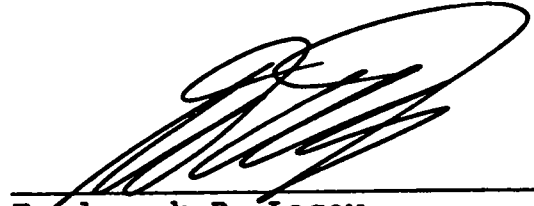
cc: Frederick B. Lacey
Elizabeth A. Rodgers, Regional Coordinator

considered in due course.

Local 526 claims, by way of Mr. Barnes' letter, that:

[T]he Local Union is financially unable to advance the per diem expense money. This was explained to Mr. Palmer at a General Membership meeting on May 19, 1991. In addition, it was explained that the Local does not advance expense money, but normally reimburses actual expenses after receiving proper receipts.

The Election Officer's Advisory requires Local Unions to advance its delegates and alternate delegates the per diem expenses regardless of the past practice of the Local. At this time, however, because the Convention is already underway, I will allow the Union to reimburse Mr. Palmer for all of his Convention expenses up to the \$130 per diem allotment. Pursuant to the Advisory, Mr. Palmer must supply to the Local with receipts documenting all of his expenditures. Should the Local question any of Mr. Palmer's expenses, however, it must first reimburse him for those expenses and then request relief through the office of the Election Officer.



Frederick B. Lacey
Independent Administrator
By: Stuart Alderoty, Designee

Dated: June 26, 1991