

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H. Holland
Election Officer

November 15, 1991

Chicago Office:
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

VIA UPS OVERNIGHT

Leroy Ellis
18807 Oakwood Avenue
Country Club Hills, IL 60478

Daniel Ligurotis
Secretary-Treasurer
IBT Local Union 705
300 S. Ashland Avenue
Chicago, IL 60607

Re: Election Office Case No. P-1053-LU705-CHI

Gentlemen:

Leroy Ellis, a candidate for Central Conference Vice-President on the Ron Carey Slate, has filed this protest against IBT Local Union 705 alleging that the Local Union has refused to accept his dues payments in an effort to deprive him of his eligibility to vote in the imminent election and, if he is elected, to serve as an International Union Vice President. The protest was investigated by Regional Coordinator Julie Hamos.

Leroy Ellis was recently discharged by Roadway Express;¹ while employed at Roadway, his dues to Local 705 were deducted on a quarterly basis from his paycheck and remitted quarterly by Roadway to Local 705. After his discharge, Mr. Ellis went to the offices of Local Union 705 on November 6, 1991, intending to pay his dues for the fourth quarter of 1991 in person. Mr. Ellis alleges that the clerical employee to whom he spoke refused to accept his money and instead referred him to Local 705's President, Daniel Ligurotis; Ellis was unsuccessful in attempting to contact Ligurotis. The clerical employee at Local 705 admits that Mr. Ellis was at the Local Union's office, but denies that he attempted to tender his Union dues.

One the same day he filed this protest, Mr. Ellis sent Local Union 705 his dues payment by certified check and by certified mail. Local Union 705 received the check and posted the dues payment on November 12, 1991.² Thus, at the present time, Local

¹ Mr. Ellis's protest challenging his discharge is presently pending (Election Office Case No. P-916-LU705-CHI).

² A dues receipt was generated simultaneously and sent by Local 705 to Mr. Ellis.

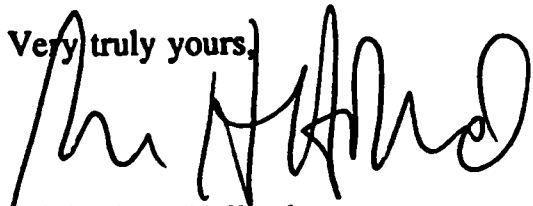
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705 has accepted Mr. Ellis's dues, and he remains a member in good standing of Local 705 and the IBT.

The Election Officer concludes that this matter has now been resolved. The Election Officer notes for the benefit of all the parties that Mr. Ellis is clearly entitled to retain his membership in Local 705, i.e., to tender his dues and have such tender accepted, during the duration of the period of the pendency of any legal challenge of his discharge--including his protest before the Election Officer--and for six months thereafter. Brennan v. Lift Truck Builders, 490 F. 2d 213 (7th Cir., 1974); IBT International Constitution, Article VIII, § 6(a). See also, e.g., *Rules*, Article VI, § 2(b).

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/ca

cc: Frederick B. Lacey, Independent Administrator
Julie E. Hamos, Regional Coordinator