

OFFICE OF THE ELECTION OFFICER
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H. Holland
Election Officer

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

June 4, 1991

VIA UPS OVERNIGHT

W. Pete Bilyeu
President
IBT Local Union 413
555 East Rich Street
Columbus, OH 42315-5397

Executive Board
IBT Local Union 413
555 East Rich Street
Columbus, OH 42315-5397

Re: Election Office Case No. P-786-LU413-MGN

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 protest is enclosed. The protest, filed by W. Pete Bilyeu, President of Local Union 413 and a delegate to the 1991 IBT International Convention from Local 413, protests the policy adopted by the Executive Board of Local 413 with respect to travel expenses for the Local's delegates for travel to and from the Convention site. The protest contends that the travel expenses that the Local says it will provide to delegates traveling to and from the Convention site by automobile does not constitute full payment of expenses as required by the *Rules* and as further explained in the Advisory Regarding Conventions Expenses, issued April 19, 1991 ("*Advisory*").

In his investigation of this protest, the Election Officer determined that the Local Union compensates its full-time officers and business agents for such officers' and business agents' use of their personal automobiles for Union business at the rate of \$600 per month. In addition, the Local Union permits such officers and business agents to use a Union credit card for purchase of gasoline, motor oil and the like.

The *Rules* require that the Local Union reimburse its delegates, and if applicable, its alternate delegates, for their travel expenses to and from the site of the 1991 IBT International Convention in Orlando Florida. For delegates traveling to and from the Convention site in a personal automobile, 24¢ per mile is deemed to constitute appropriate reimbursement. Advisory, page 3. The mileage between Columbus, Ohio and Orlando, Florida, by automobile, is approximately 1,068 miles each way, 136 more miles for the round trip than set forth by Local 413's Executive Board on May 19, 1991 when it adopted the policy being protested here regarding Convention expenses. Thus, Local 413 delegates are entitled to receive \$512.64 as travel expenses for travel to and

W. Pete Bilyeu
Page 2

from the Convention site by personal automobile.

Those delegates who are full-time officers or business agents of the Union, by receipt of the travel expenses set forth above, will be specifically compensated for the use of their automobiles to travel to and from the Convention site. They will not be using their personal vehicles for Union business without reimbursement. Since the \$600 per month allowance such full-time officers and business agents otherwise receive from the Local Union is to compensate them for otherwise uncompensated utilization of their personal vehicles for Union business, it is not inappropriate under the *Rules* for Local 413 to apportion the period during which these members will be receiving specific compensation from the normal \$600 monthly allowance.

Thus, the Local Union may deduct from the normal automobile allowance such full-time officers and business agents would otherwise receive, at the rate of \$600 per month or approximately \$20 per day, the number of days for which these officers and business agents are receiving specific travel expenses for travel to and from the Convention site. Thus, instead of providing the delegates who receive automobile allowances with \$1,112.64, during June, 1991 \$600 monthly allowance plus \$512.64 travel expenses, the Local Union may compensate these full-time officers and business agents for June for the totality of their auto allowances and travel expenses at the rate of \$1,112.64 minus \$20 per day for the days spent in traveling to and from and at the 1991 IBT International Convention.

Since the policy adopted by the Local 413 Executive Board on May 19, 1991 with respect to automobile expenses is, with the exception of the mileage as noted above, is in accord with the foregoing, this protest is DENIED. It should be noted, however, that local transportation expenses are appropriate per diem expenses under and in accordance with the *Rules* and as noted in the Advisory. Thus, to the extent that Local 413 delegates utilize their personal automobiles during the Convention week for travel in Orlando, Florida, which travel is reasonably related to the business of the Convention, they are entitled to be reimbursed, from their daily expense advances for such utilization of their personal automobiles at the rate of 24¢ per mile.

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.

W. Pete Bilyeu
Page 3

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Holland", with a long horizontal flourish extending to the right.

Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator
Joyce Goldstein, Regional Coordinator

TEAMSTERS LOCAL UNION NO. 413 / CLF

555 East Rich Street • Columbus, Ohio 43215-5397

Phone (614) 228 6492

FAX (614) 228-3933

OFFICERS.

W PETE BILYEU
President

CHARLES F TEAS
Secretary Treasurer

VERNON D BELL
Vice President

JAMES E HARVEY, JR
Recording Secretary

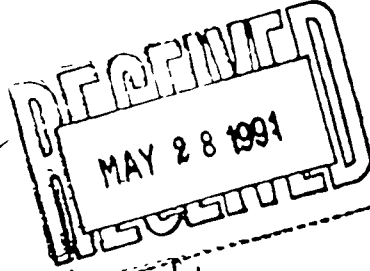
BUSINESS AGENTS

CARL CLAY
HENRY FRANCHINI
JIMMY H DUFF

TRUSTEES

PHIL COTTRILL
JOHN W STARKEY
DAVE CARTER

Spalay
BJM
Convention
Japanese



May 22, 1991

Protest
See letter
of a few days back

to Treas
X MHH
TO: PAUL

Mr. Michael H. Holland
Election Officer
Office of the Election Officer
c/o International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, D.C. 20001

Re: Convention Expenses

Dear Mr. Holland:

On behalf of the duly elected Delegates to the International Constitutional Convention, from Local 413, I am protesting the action of Local 413's Executive Board at the May 19, 1991, when they voted to have the four elected 413 Agents and/or Officers that are also Delegates, make their own auto payment for the nine days that they will have involved in attending the Convention.

It is necessary that we have and maintain our automobiles 365 days of the year to perform our job duties for the Local Union. I am requesting that you review their action.

Thank you for your consideration.

Respectfully yours,

TEAMSTER LOCAL UNION NO. 413

W. Pete Bilyeu
W. Pete Bilyeu, President

Certified Mail No. P 041 643 817

Enclosure

CONVENTION EXPENSES

AUTO EXPENSES

\$480.00 - 24¢ per mile, 2,000 miles round trip

Full-time Officers & Agents receiving \$600 per month Car Allowance will be apportioned as follows:

5 days at Convention + 4 days travel time = 9 days
Car Allowance (\$600 Monthly) = \$20.00 per day
9x20 = \$180.00
\$480.00
-180.00
\$300.00

PER DIEM

7 Days @ \$130.00 = \$910.00

REIMBURSED WAGES

Non Full-Time salaried Members will be paid 40 hours at their hourly rate of pay, in advance.

HOTEL

Room & Tax will be direct billed and paid by Local 413

IN RE:

W. PETE BILYEU

and

IBT LOCAL UNION NO. 413

91 - Elec. App. - 162 (SA)

DECISION OF THE
INDEPENDENT
ADMINISTRATOR

This matter involves an appeal from a decision of the Election Officer in Case No. P-786-LU413-MGN. A hearing was held before me on June 11, 1991, at which the following persons were heard via telephone conference: W. Pete Bilyeu, the complainant and President of Local 413; Charles F. Teas, Secretary-Treasurer of Local 413; and Joyce Goldstein, the Election Officer's Regional Coordinator. John Sullivan, on behalf of the Election Officer, appeared in person.

This matter involves car allowances for delegates to the 1991 IBT Convention. Mr. Bilyeu is the President of Local 413 and a delegate to the 1991 IBT Convention. Local 413 provides its full-time officers and business agents a car allowance of \$600.00 per month. The Local also pays for other incidental expenses involving the car's maintenance.

In an Advisory Regarding Convention Expenses issued by the Election Officer on April 19, 1991, he advises that Local Unions are responsible for the expenses of delegates to the Convention. This, of course, is consistent with the Rules For The IBT International Union Delegate And Officer Election (the "Election Rules"), Article II, Section 10.d. The Advisory also states that


Locals must pay the travel expenses of their delegates. Delegates driving their own cars are to be reimbursed at the rate of 24 cents per mile.

Local 413's Secretary-Treasurer wrote to the Election Officer and asked whether the Local must reimburse its delegates, who are also officers or employees of the Local, for their automobile expense while attending the Convention. The question was raised because the Local was already providing these delegates with their normal automobile allowance of \$600.00 per month.

The Election Officer concluded that the Local had a responsibility to reimburse delegates for the use of their cars in connection with the Convention, at the rate of 24 cents per mile. Given that compensation, however, the Election Officer concluded that the Local did not have to provide the normal car allowance, in addition to the 24 cents per mile reimbursement, during the Convention period.

Consistent with the Election Officer's directive, the Local's Executive Board authorized payment to the delegates of their auto expenses of 24 cents per mile to attend the Convention. The Local also made an adjustment to the normal car allowance for the month of June, 1991, deducting a pro-rated share for the time delegates would spend traveling to the Convention, attending the Convention, and traveling home from the Convention. Following this approach, a total of \$180.00 was deducted from the \$600.00 per month car allowance. Mr. Bilyeu objects to this approach, arguing that it does not make him whole financially.

The Election Officer's decision here will not be disturbed. While alternate approaches may be available to the Local, the approach followed here results in the consistent treatment of all delegates. All delegates driving to the Convention will receive an allowance of 24 cents per mile. The accommodation made here for the adjustment of the monthly car allowance from the Local will avoid any "double-dipping" concerns.¹



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

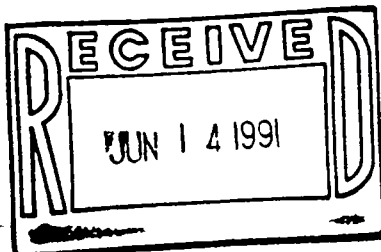
Dated: June 13, 1991

¹The Local Union disputed the mileage calculation of the Election Officer regarding the distance between Columbus, Ohio and Orlando, Florida. I accept the Election Officer's calculations as the most accurate.

OFFICE OF THE INDEPENDENT ADMINISTRATOR
c/o LeBOEUF, LAMB, LEIBY & MacRAE
Gateway Center I, Suite 603
Newark, NJ 07102-5311
(201) 643-8000
Fax (201) 622-6693

A13/MGA

Frederick B Lacey
Independent Administrator



6/14/91

June 13, 1991

VIA UPS NEXT DAY AIR

W. Pete Bilyeu, President
IBT Local Union 413
555 East Rich Street
Columbus, OH 43215-5397

XMH
BJT
JS
DeHAAN

RE: Appeal of Pete Bilyeu

Dear Mr. Bilyeu:

Enclosed please find a copy of my June 13, 1991, Decision in the above referenced matter.

Very truly yours,

Stuart Alderoty /JR/

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

FBL:jdr
Enclosures

cc: VIA UPS NEXT DAY AIR
Michael H. Holland, Esq.
James T. Grady, Esq.
Charles F. Teas, Secretary Treasurer of Local 413