

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: GLENN STEFFENS,)	Protest Decision 2006 ESD 187
)	Issued: April 17, 2006
Protestor.)	OES Case No. P-06-076-011906-MW
_____)	

Glenn Steffens, member of Local Union 614, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2005-2006 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that he was prevented from attending the nominations meeting for the delegate and alternate delegate election, in violation of the *Rules*.

Election Supervisor representative Joe Childers investigated this protest.

Findings of Fact

Local Union 614’s nominations meeting was held Sunday, January 8, 2006. The protestor alleged that he was barred from entering the meeting by a United States Marine.

Protestor Steffens told our investigator that he usually attends all monthly meetings of the local union, which usually start at 10:00 a.m. However, the nominations meeting was scheduled to start at 9:00 a.m. on January 8. Steffens had been driving for his job overnight the night before the meeting and got home a little before the meeting. He left shortly afterward for the union hall and stated that he arrived a little before 9:00 a.m., intending to be nominated for alternate delegate on the Reduce the Dues Restore the Pensions UTAH slate. Upon arriving, he got a cup of coffee and went to the meeting room. He stated that he arrived at the door to the meeting room right at 9:00 a.m.

However, Steffens found the door to the meeting room closed and locked. He looked through the window of the door and saw a young man he said looked liked a body builder; the young man looked at Steffens and shook his head no. Steffens then jiggled the door handle and the young man opened the door and stuck his head out. He told the protestor that the meeting was closed and no one was allowed in.

Investigation showed that the young man was a United States Marine and son of David Bluhm, a local union officer. Earl Walker, principal officer of the local union, convened the nominations meeting at 9:05 a.m. and introduced the Marine, David Bluhm, Jr., as the sergeant-at-arms for the meeting. Walker stated that no one would be allowed into the meeting. From the podium, Walker instructed Bluhm Jr. to look into the hallway and see if anyone wanted to come into the meeting. When Bluhm Jr. had done so, Walker hit the gavel and the meeting commenced. Walker turned the meeting over to Dennis Meyers, chair of the election committee.

Immediately upon giving the gavel to Meyers, someone came to the door and was allowed in. Shortly after that, Steffens came to the door and was refused admittance.

Walker told our investigator that at the December general membership meeting, the body adopted a motion to close the January 8 nominations meeting once it started. Walker stated that

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this was done because a group of members had recently been disruptive at local union meetings and he did not want any trouble. Minutes of the December meeting show that a motion was adopted to close the nominations meeting. General membership meetings of the local union are routinely open to latecomers; Walker stated that the only reason the nominations meeting was closed was because those attending the December meeting voted to do so.

Walker further stated that the person who was admitted after the door was first closed arrived during the pledge of allegiance and before the floor was opened for nominations. Walker announced to the assembly that the person had arrived late and asked for a show of hands as to whether the person should be admitted, and he was.

Steffens was not nominated for alternate delegate on the Reduce the Dues Restore the Pensions UTAH slate. That slate nominated delegates and alternate delegates for each such position.

The local union election plan for the delegate and alternate delegate election did not state that the nominations meeting would be closed to latecomers, nor did the notice of nominations meeting that was posted on all union bulletin boards and mailed to each member.

Steffens told our investigator that, once he was denied entry to the nominations meeting and was not nominated, he no longer wished to be nominated for alternate delegate. Steffens made this statement when interviewed by our investigator in January 2006, soon after the meeting. Investigation did not identify any other person who was denied entry to the nominations meeting.

Analysis

Article II, Section 5(d) of the *Rules* requires that the notice of nominations meeting for a local union's delegate and alternate delegate election "shall include the date(s), time(s) and location(s) of the nomination meeting(s); [and] a clear and complete explanation of the requirements and procedures for submitting and accepting a nomination ..." Where the local union varies from established practice and decides to close a nominations meeting to latecomers, such information must be included in the notice of nominations meeting. We find that the local union violated the *Rules* by enforcing its December resolution to close the meeting to latecomers without making an announcement of this decision in the notice of nominations meeting.

Accordingly we GRANT this protest.

Remedy

When the Election Supervisor determines that the *Rules* have been violated, he "may take whatever remedial action is deemed appropriate." Article XIII, Section 4. In fashioning the appropriate remedy, the Election Supervisor views the nature and seriousness of the violation as well as its potential for interfering with the election process.

The usual remedy for a violation of the type found here is a new nominations meeting. However, we do not order that remedy in this case. First, when interviewed immediately after

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the incident, the protestor told our investigator that he no longer wished to be nominated for alternate delegate. Second, the investigation found no one else – and especially no other candidate – was excluded from the meeting. Finally, the period for delegate nominations has closed in the current IBT International officer election. Under these narrow circumstances, we find the violation to be moot and decline to order any remedy for it.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Supervisor in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
885 Third Avenue, Suite 1000
New York, New York 10022
Fax: (212) 751-4864

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1725 K Street, N.W., Suite 1400, Washington, D.C. 20007-5135, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
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