

**OFFICE OF THE ELECTION SUPERVISOR**  
**for the**  
**INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

<b>IN RE: ELIGIBILITY OF</b>	)	Protest Decision 2016 ESD 118
<b>ROBERT LANGONI,</b>	)	Issued: February 23, 2016
<b>Local Union 17.</b>	)	OES Case No. E-169-021616-GP
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	)	

Duane Grove, member of Local Union 17, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2015-2016 IBT International Union Delegate and Officer Election (“Rules”). The protest alleged that Robert Langoni is ineligible for nomination as delegate to the IBT convention for alleged failure to maintain 24 consecutive months of good standing. The protest further alleged that Langoni was ineligible to nominate other members for delegate because he was not in good standing at the time of the nominations meeting.

Election Supervisor representative Jeffrey Ellison investigated this protest.

**Findings of Fact and Analysis**

Article VI, Section 1(a) of the *Rules* provides that “to be eligible to run for any Convention delegate, alternate delegate or International Officer position, one must: (1) be a member in continuous good standing of the Local Union, with one’s dues paid to the Local Union for a period of twenty-four (24) consecutive months prior to the month of nomination for said position with no interruptions in active membership due to suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments; (2) be employed at the craft within the jurisdiction of the Local Union for a period of twenty-four (24) consecutive months prior to the month of nomination; and (3) be eligible to hold office if elected.”

The nominations meeting for Local Union 17’s delegates and alternate delegates election was held February 13, 2016. Therefore, the 24-month period during which candidates must be in continuous good standing in order to be eligible for nomination ran from February 2014 through January 2016. The protest alleged that Langoni is ineligible both to stand for election and to nominate because his “dues are in arrears and his dues are not paid through January 2016 as required by the election rules.”

To verify Langoni’s eligibility during this period, we reviewed TITAN records for dues remitted on his behalf. Langoni’s TITAN showed that he was a cash dues payer at all times during the eligibility period we examined. That dues history showed that he did not make a dues payment in August 2015 and was not in good standing for that month as a result of that lack of payment. Accordingly, we find that that Langoni did not maintain continuous good standing over the 24-month eligibility period and therefore is ineligible to stand for delegate in Local Union 17’s election.<sup>1</sup>

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<sup>1</sup> The dues history also showed that for each month of the eligibility period prior to August 2015, Langoni was \$1 or \$2 short of being paid in full for the current month, the result of his error in paying an old rate of dues a couple of times after dues were increased. Langoni told our investigator that he did not recognize his error until this protest was filed and the local union did not point the error out to him. We note that dues receipts the local union sent Langoni showed that his dues were paid through the month *previous* to the month in which payment was received, information that might cause the member to conclude that the payment made did not pay his dues *in full* for that month. Regardless, we need not determine whether the local union affirmatively informed Langoni of his

Turning to the question of Langoni's eligibility to nominate, Article II, Section 5(h) of the *Rules* provides that a member is eligible to nominate another member for delegate or alternate delegate or to second that nomination if the nominating or seconding member has "his/her dues paid through the month prior to the nominations meeting." The failure to make the August 2015 dues payment rendered Langoni not in good standing at the time of the nominations meeting. Langoni was the sole nominator of delegate candidates Larry Rogers and Ronnie Houston. Because Langoni was not in good standing at the time of the nominations meeting and was therefore ineligible to nominate, the nominations of Rogers and Houston are invalid.<sup>2</sup>

Accordingly, we GRANT the protest and find Langoni INELIGIBLE for nomination as delegate and the nominations of Rogers and Houston INVALID. Because Local Union 17 is entitled to elect three delegates and only three delegate candidates remain, those candidates are unopposed and are deemed elected.<sup>3</sup> We instruct Local Union 17 to amend and repost its Notice of Nominations Meeting Results to reflect that the remaining candidates for delegate and the candidates for alternate delegate are deemed elected.

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:

Kathleen A. Roberts  
Election Appeals Master  
JAMS  
620 Eighth Avenue, 34<sup>th</sup> floor  
New York, NY 10018  
kroberts@jamsadr.com

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, 1050 17<sup>th</sup> Street, N.W., Suite 375, Washington, D.C. 20036, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark  
Election Supervisor

cc: Kathleen A. Roberts  
*2016 ESD 118*

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error or had an obligation to do so, because Langoni's failure to pay dues in August 2015 interrupts his continuous good standing and is dispositive of his eligibility.

<sup>2</sup> The second of Houston's nomination by Rogers and the second of Rogers's nomination by Houston are not called into question in this case. Because Langoni was ineligible to nominate and he was the sole member to nominate Rogers and Houston, their nominations fail.

<sup>3</sup> The candidates nominated for alternate delegate were unopposed when nominated and were deemed elected at the close of the nominations meeting.

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