

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

IN RE: WILLIAM THOMPSON,)
)
)
)
Protestor.)
_____)

Protest Decision 2016 ESD 286
Issued: September 23, 2016
OES Case No. P-341-080816-SO

William Thompson, member and elected delegate of Local Union 71, 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 the local union failed to pay his health and welfare contribution for the period of time he was on union leave to attend the 29th International Convention.

Election Supervisor representative Dolores Hall investigated this protest.

Findings of Fact and Analysis

Thompson attended the IBT convention as one of three delegates elected from Local Union 71. He and his slate defeated a slate comprised of local union officials. He was granted union leave from his regular employment with UPS to attend the convention. Shortly after his return, he received written COBRA notification from UPS advising him to pay a sum certain in order to retain his health insurance. The letter was sent because Thompson had no work with UPS during the period of the convention, and UPS therefore did not make the health insurance premium on his behalf.

Our *Advisory Regarding Payment of Expenses for Convention Delegates and Alternate Delegates* (March 24, 2016) requires payment of health insurance premiums of delegates under certain circumstances. Thus, at Section III.D.:

Where a delegate or alternate delegate receives employer-provided full or partial payment of health and welfare and/or pension contributions, the Local Union will insure that contributions are not lost because of attendance to the Convention. If any periodic benefit contribution would not be made solely because of the delegate or alternate delegate’s Convention attendance, the Local Union will either persuade the employer to make the necessary contributions, will make the contributions itself directly to the appropriate funds, or will reimburse the delegate or alternate delegate for contributions actually made that the delegate or alternate delegate would not have been required to make but for his/her attendance at the Convention.

Two other members of the Local Union 71 delegation received COBRA letter. They provided the letters to the local union official responsible for making payment of the COBRA amounts, and the local union made prompt payment, in accordance with the *Advisory*. Protestor Thompson did not notify the local union of his COBRA letter; instead, he filed this protest.

Before the protest was filed, the local union official responsible for making COBRA payments for the delegation members was unaware Thompson had received a COBRA letter. Even had he anticipated such a letter would issue, he could not make the required payment without knowing the amount specified in Thompson’s letter.

Thompson, 2016 ESD 286
September 23, 2016

Protestor Thompson asserts that the failure of the local union to make his COBRA payment before he filed this protest was deliberate and malicious. We disagree, concluding that the local union was not required to make a COBRA payment unless and until it was notified that such a payment was due, a notification the protestor chose to make via protest with our office rather than direct communication with the local union.

When the amount of the required COBRA payment was communicated to the local union, prompt payment was made.

On this basis, we deem this protest RESOLVED.

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, 34th 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 17th 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 286

Thompson, 2016 ESD 286
September 23, 2016

DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):

Bradley T. Raymond, General Counsel
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001
braymond@teamster.org

David J. Hoffa
1701 K Street NW, Ste 350
Washington DC 20036
hoffadav@hotmail.com

Ken Paff
Teamsters for a Democratic Union
P.O. Box 10128
Detroit, MI 48210-0128
ken@tdu.org

Barbara Harvey
1394 E. Jefferson Avenue
Detroit, MI 48207
blmharvey@sbcglobal.net

Teamsters United
315 Flatbush Avenue, #501
Brooklyn, NY 11217
info@teamstersunited.org

Louie Nikolaidis
350 West 31st Street, Suite 40
New York, NY 10001
lnikolaidis@lcnlaw.com

Julian Gonzalez
350 West 31st Street, Suite 40
New York, NY 10001
jgonzalez@lcnlaw.com

David O'Brien Suetholz
515 Park Avenue
Louisville, KY 45202
dave@unionsidelawyers.com

Fred Zuckerman
P.O. Box 9493
Louisville, KY 40209
fredzuckerman@aol.com

William Thompson
William1t@aol.com

Ernest Wrenn
ctylerspapa@aol.com

Joe Eason
joeupsba@aol.com

Dolores Hall
1000 Belmont Place
Metairie, LA 70001
dhall@ibtvote.org

Jeffrey Ellison
214 S. Main Street, Suite 212
Ann Arbor, MI 48104
EllisonEsq@aol.com