

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: BEN DEETS,) Protest Decision 2016 ESD 78
) Issued: January 22, 2016
Protestor.) OES Case No. P-092-011116-SO
_____)

Ben Deets, member of Local Union 767, 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 improperly failed to acknowledge his written nomination for delegate.

Election Supervisor representative Dolores Hall investigated this protest.

Findings of Fact and Analysis

Deets asserted that he submitted paperwork on January 8, 2016, to be nominated for a delegate position in Local Union 767. He claimed that the local union’s failure to acknowledge and announce his nomination at the nominations meeting held January 9 violated the *Rules*.

Investigation showed that Deets submitted two documents to the local union consisting of a total of three pages. One was a two-page letter issued to him by our office pursuant to his request for verification of his eligibility to run for delegate. The other document, consisting of one page, was our Form 4 – Candidate Information Sheet, completed in handwriting with Deets’ personal information and the personal information of two nominators and two seconders (for each person, including Deets, the filled-in blanks listed address, phone, email address, and SSN4). No additional documents were submitted, and no oral nomination of Deets was made from the floor at the nominations meeting. Deets submits that the documents he sent timely to the local union were sufficient to effect a written nomination of him for delegate.

We disagree. Article II, Section 5(f) requires that a written nomination “shall state whether it is a nomination or a second, the name of the member being nominated or seconded and whether the nomination or second is for delegate or alternate delegate. It shall be signed by the member submitting the nomination or second and shall contain the last four digits of his/her Social Security number. At the nomination meeting, the presiding Local Union officer shall announce and treat the written nomination or second as if it had been made from the floor of such meeting.” The documents Deets submitted do not satisfy these requirements. First, the eligibility verification letter from our office to Deets informed Deets that he is eligible for nomination; it did not nominate him, a process which must be performed by members eligible to do so. Second, the candidate information sheet was prepared by Deets. On its face it gave no indication that the persons listed as nominators and seconders had consented to fill the roles the form assigned to them, something they would have done by signing written nominations and seconds.

For these reasons, we find that Deets was not nominated for delegate, either in writing or orally from the floor of the nomination meeting. Accordingly, we DENY this protest.

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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 78

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January 22, 2016

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