

**ELECTION APPEALS MASTER
FOR THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

**IN RE: COLLEEN BRADY,
LETICIA RAMIREZ ZIVALICH,
FELICIA WALKER,
ANDRE STEELE,
TREMAYNE JOHNSON,
LEROY KYLES, BLANCA
AGUILAR, SHAWN ELLIS,
JOEL WOOD, DENNIE BEAVIN,
JARROD W. SKELTON,
ANTHONY ROOTS, EDIBRAY
RODRIGUEZ, CYNTHIA
RIVERA, FRANCISCO ARZU,
WALTER WESTFIELD,
PLINIO CRUZ, STEPHEN
HANSON, SARAH HOOK,
DALA WATSON, RYAN
JANOTA, DIANE ORNELAS,
FABIAN LEON, JOSE LOPEZ,**

Protestors.

2022 EAM 24

ISSUED: May 23, 2022

**APPEAL AND STAY OF ELECTION
SUPERVISOR PROTEST DECISION
2022 ESD 187**

OES Case Numbers:

**P-207-032422-NA, P-208-032422-NA,
P-209-032522-NA, P-210-032522-NA,
P-211-032522-NA, P-212-032522-NA,
P-213-032522-NA, P-214-032522-NA,
P-215-032522-NA, P-216-032522-NA,
P-217-032522-NA, P-218-032522-NA,
P-219-032822-NA, P-220-032822-NA,
P-221-032922-NA, P-222-032922-NA,
P-223-032922-NA, P-224-033022-NA,
P-225-033122-NA, P-226-040222-NA,
P-227-040422-NA, P-228-040522-NA,
P-229-040722-NA**

On May 16, 2022, the Election Supervisor issued Protest Decision 2022 ESD 187 (ESD 187), which denied the IBT's motion to dismiss all 24 pending protest investigations in this matter. On May 18, 2022, the IBT appealed that decision to the Election Appeals Master and requested a stay of the investigations while the appeal remained pending.¹ On May 19, 2022, the

¹ The IBT was required to submit its request to stay the proceedings with the Election Supervisor and also request leave from the Election Appeals Master to appeal ESD 187. The IBT did not follow this procedure. Nevertheless, I find it is in the best interests of the membership to accept the IBT's submission under the circumstances presented here.

Election Supervisor filed a response to the IBT's claims.² After having carefully considered all of the arguments, the IBT's appeal is stricken, and the requested stay is denied.

The protestors in this matter supported the Teamster-Power slate during the 2020-2021 International Officers election campaign. On December 7, 2021, it was determined that the Teamster-Power slate lost the election, and that the O'Brien-Zuckerman slate won the election. On March 22, 2022, the O'Brien-Zuckerman slate assumed office and, shortly thereafter, terminated the protestors from their union employee positions. Each of the protestors in this matter has asserted that his or her termination constituted impermissible retaliation by both the IBT and the O'Brien-Zuckerman slate in violation of Article VII, Section 12(g) of the Rules for the 2020-2021 IBT International Union Delegate and Officer Election ("Rules").

After the protests were filed, but before they could be investigated, the IBT was granted permission by the Election Supervisor to move to dismiss them. In its motion to the Election Supervisor and in its submission before me, the IBT claims the Election Supervisor lacks jurisdiction to investigate the protests because the alleged retaliation occurred after the O'Brien-Zuckerman slate assumed office. Based on the plain reading of the Rules and prior precedent, however, it is clear that the Election Supervisor maintains the authority to investigate post-election retaliation claims even after a new administration is inaugurated and takes office. *See* Article XIII, Section 3(b); *see also Virtue & Ramos*, 2007 ESD 403 (July 9, 2007), *aff'd*, 2007 EAM 82 (July 27, 2007 and October 5, 2007); *ESD 187* at 5-6 (collecting cases).

² On May 19, 2022, the Teamster Power slate also filed a response to the IBT's claims.

Further, there has been no final determination by the Election Supervisor as to whether the terminations amounted to improper retaliation under the Rules. The IBT's appeal at this stage of the proceedings, therefore, is premature because there has been no decision on the merits by the Election Supervisor. *See* Article XIII, Section 3(e).

Accordingly, the IBT's appeal is STRICKEN and the request to stay the pending investigations is denied.

SO ORDERED,

A handwritten signature in cursive script that reads "Barbara S. Jones". The signature is written in black ink on a white background.

Hon. Barbara S. Jones (Ret.)
Election Appeals Master

DATED: May 23, 2022

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