

October 4, 1995

VIA UPS OVERNIGHT

Margaret Sacha
16340 Dayton Avenue, N.
Seattle, Washington 98133

Susan Grout
16407 187th, N.E.
Woodinville, WA 98072

Ben Longwell
3002 S. 208th Street #K-2
Seattle, WA 98198

Local Union 117
553 John Street
Seattle, WA 98109

Barbara Adams
621 1st Avenue, W. #204
Seattle, WA 98119

**Re: Election Office Case No. E-006
Protest of Margaret Sacha
Eligibility to Run for Delegate, Alternate Delegate and to Nominate
[CORRECTED DECISION]**

Gentlepersons:

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On September 29, 1995, the Election Officer issued a decision in this case, in which there were a number of errors. As a result, the corrected decision is reissued below:

Local 117 held nominations for candidates to run for delegate and alternate delegate to the 1996 IBT International Convention on September 21, 1995. Among others, Ben Longwell was nominated to run for delegate by Barbara Adams. Susan Grout was nominated to run for alternate delegate.

Margaret Sacha filed a timely protest challenging the eligibility of each of the above-named members, contending that each of them were not members in good standing with dues paid through August 1995.

I. Eligibility of Barbara Adams -- Nominator of Ben Longwell

Article II, Section 5 of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")* provides that, to be eligible as a nominee, a member must be in good standing at the time of nomination. The TITAN record of the above-named nominator reflects that Barbara Adams was delinquent in dues payments and was not in good standing at the date of the nomination meeting. She had been suspended for non-payment of dues and recently had been paying \$50 a month in an attempt to pay her back dues. However, she had not achieved good standing at the time she nominated Ben Longwell for delegate.

II. Eligibility of Ben Longwell

To be eligible for nomination, a member must be nominated and seconded by a member in good standing, each with his/her dues paid through the month prior to the nomination meeting, and the member must be eligible to be nominated pursuant to Article VII of the *Rules*. The investigation by the Election Officer established that Mr. Longwell had earnings in the months September 1993 through August 1995 from which dues could have been deducted. Notwithstanding that Mr. Longwell met the requirement in the *Rules* for 24 months of continuous good standing, his nomination is invalid because his nominator was not in good standing at the time the nomination was made. *Rules*, Article II, Section 5(i).

III. Eligibility of Susan Grout

Susan Grout was a steward at the time she was nominated to be an alternate delegate. It is the practice in Local 117 for the local to pay the dues for stewards. It is the custom for the local to send a check to a steward who can either endorse it and send it back or pay the dues. The dues are paid

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quarterly and are due on or before the last business day of the first month of the quarter. The Local Union uses a post mark to determine timeliness. Ms. Grout had late dues payments in July 1994 and July 1995. Therefore, she was not in good standing for 24 continuous months as

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required by the *Rules*.¹

Based upon the foregoing, it is the determination of the Election Officer that the protest of Margaret Sacha is GRANTED. The names of Ms. Grout and Mr. Longwell shall be removed from the nomination posting and a new posting without their names shall be posted in accordance with Article II, Section 6(c) of the *Rules*.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one day of receipt of this letter. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal. Requests for a hearing shall be made in writing and shall be served on:

Kenneth Conboy, Esq.
Latham & Watkins
885 Third Avenue, Suite 1000
New York, NY XXX-XX-XXXX
Fax (212) 751-4864

Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 North Capitol Street, Suite 855, Washington, D.C. 20001, Facsimile (202)

¹The IBT Constitution, Article X, Section 5(c), provides in pertinent part:

All members paying dues to Local Unions must pay them on or before the last business day of the current month. Membership dues to Local Unions are due on or before the first day of the month and must be paid on or before the last business day of that month. Any member failing to pay his dues at such time shall not be in good standing for such month but may restore such good standing for such month for the purpose of attending meetings, nominating, voting and participating in the affairs of the Local Union by the payment of his delinquent dues prior to said meeting. Payment of such dues after their due date shall not restore good standing status for such month or months in computing the continuous good standing required by Article II, Section 4 of this Constitution as a condition of eligibility for office.

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624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel
Election Officer

cc: Kenneth Conboy, Election Appeals Master
Christine Mrak, Regional Coordinator