

October 6, 1995

VIA UPS OVERNIGHT

Kevin M. Cicak, Business Agent
Teamsters Local Union 430
355 South Wheaton Street
York, PA 17403

Duane C. Wuorinen
30 N. Emigs Mill Road
York, PA XXX-XX-XXXX

**Re: Election Office Case No. E-007-LU-430-EOH
Protest of Kevin M. Cicak
Eligibility of Duane C. Wuorinen to run for Alternate Delegate
Teamsters Local Union 430**

Gentlemen:

By letter received by the Election Officer on October 2, 1995, Local Union 430 Business Agent Kevin Cicak contended that Duane C. Wuorinen is ineligible to run for the position of alternate delegate to the 1996 IBT International Convention. He alleged that Mr. Wuorinen had not paid dues for the months of August and September 1994.

The nomination meeting for Local 430 was held on October 1, 1995. Mr. Wuorinen was nominated for the position of alternate delegate to the IBT International Convention.

In order to be eligible to run for delegate or alternate delegate to the IBT Convention, a member must be in continuous good standing with his local union, with his dues paid to the local union for a period of 24 consecutive months prior to the month of nomination with no interruption in active membership due to suspensions, expulsions, withdrawals, transfers or failure to pay fines or

assessments. *Rules for the 1995-1996 IBT International Union Delegate and Officer Election (“Rules”)*, Article VII, Section 1.

Kevin M. Cicak
October 6, 1995
Page 2

The TITAN record reflects that Mr. Wuorinen paid his dues through July 1994 with no dues paid for the months of August and September 1994. During this time, Mr. Wuorinen was attending his National Guard classes. Two weeks into the class, Mr. Wuorinen’s mother died and he left the class to attend to family matters. When he returned to the National Guard, he had to start the class over again. As a result, he was gone from his employment for nine weeks. Local 420 requested that Mr. Wuorinen sign a withdrawal card, which he did, and changed his paid dues to October 1994, thus reflecting no payment due to withdrawal for August and September 1994.

Since Mr. Wuorinen did not pay dues for a period of 24 consecutive months prior to the month of his nomination for alternate delegate as required by Article VII of the *Rules*, it follows that he is not presently eligible to be an alternate delegate. Mr. Wuorinen states that his non-payment of dues was attributable to his service in the National Guard. However, neither the Constitution of the IBT nor the bylaws of the local union contain any provision exempting a member from dues payments on this basis.

Accordingly, it is the determination of the Election Officer that Mr. Wuorinen is ineligible to be an alternate delegate to the IBT International Convention.

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 and Watkins
885 Third Avenue, Suite 1000
New York, NY 10022
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) 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
Peter V. Marks, Sr., Regional Coordinator