

January 18, 1996

VIA UPS OVERNIGHT

Tony Cannestro, Sr., President
Teamsters Local Union 769
8350 N.W. 7th Avenue
Miami, FL 33150

Elbert L. Jones, Jr.
1900 N.W. 84th Street
Miami, FL 33147

Re: Election Office Case No. E-030-LU769-EOH
Eligibility of Elbert L. Jones, Jr. to Run for Delegate

Gentlemen:

By letter received by the Election Officer on January 12, 1996, Tony Cannestro, Sr., president of Local Union 769, protested the eligibility of Elbert L. Jones, Jr. to run for delegate to the IBT convention. The protester alleges that Mr. Jones is ineligible because he was not a member in good standing for 24 consecutive months prior to the month of nomination, as required by Article VII, Section 1(a)(1) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")*.

Section 1(a)(1) of the *Rules* states that to be eligible to run for delegate to the International 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. Local Union 769 held its nomination meeting on January 6, 1996. According to Mr. Cannestro, the local union did not receive a check-off dues payment for Mr. Jones in January of 1994 from his employer, United Parcel Service ("UPS").

Article X, Section 5(c) of the IBT Constitution requires that dues be paid on or before the last business day of the month. Section 5(c) further states:

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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. However, a member on dues checkoff whose employer fails to make a proper deduction during any month in which the member has earnings from which the dues could have been deducted, shall not lose good standing status for that month.

The Election Officer received written verification from UPS that Mr. Jones, who was on dues checkoff, had sufficient earnings in January 1994 from which dues could have been deducted. However, his dues were not deducted and submitted to Local Union 769 by UPS. The following month, UPS remitted dues payments for January and February 1994 to the local union.

Accordingly, the Election Officer finds that Mr. Jones satisfies the requirements of Article VII, Section 1(a)(1) and is eligible to run for delegate to the 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