

March 11, 1996

VIA UPS OVERNIGHT

John F. Hurley
11216 South Fairfield
Chicago, IL 60655

John McCormick, Trustee
Teamsters Local Union 726
300 South Ashland Avenue, Room 301
Chicago, IL 60607

James Murphy III
5630 North Avondale
Chicago, IL 60638

Re: Election Office Case No. E-115-LU726-EOH

Gentlemen:

On February 16, 1996, Local Union 726 held its nominations meeting, at which time James Murphy III was nominated for alternate delegate to the International convention. On February 20, 1996 the Election Officer received a timely protest submitted by John Hurley. Mr. Hurley alleges that Mr. Murphy is ineligible because he does not satisfy the 24-month-employment-at-the-craft requirement, pursuant to the *Rules for the IBT 1995-1996 International Union Delegate and Officer Election* ("Rules").

Article VII, Section 1(a) of the *Rules* provides that to be eligible to run for any Convention delegate, alternate delegate or International Officer position, one must:

- (1) Be a member in continuous good standing of the Local Union, with one's dues paid to the Local Union for a period of twenty-four (24) consecutive months prior to the month of nomination for said position with no interruptions in active membership due to suspensions,

expulsions, withdrawals, transfers or failure to pay fines or assessments;

(2) Be employed at the craft within the jurisdiction of the Local Union for a period of twenty-four (24) consecutive months prior to the month of nomination; and

(3) Be eligible to hold office if elected.

Eligibility of James Murphy

The TITAN record reveals that Mr. Murphy is a checkoff dues payer, employed by the City of Chicago. The City of Chicago remits checkoff members' monthly dues in bi-monthly payments, which consistently post two months late.

The investigation revealed that from July 22, 1995 until October 16, 1995, Mr. Murphy was placed on "Administrative Leave." "Administrative Leave" is a suspension from work duties where the member still receives regular wages during the entire period of suspension. In fact, Mr. Murphy did receive his regular wages from which his monthly dues were deducted during the months that he was on "Administrative Leave."

Subsequently, it was determined as a result of a grievance resolution process that Mr. Murphy's placement on "Administrative Leave" constituted improper discipline. Because Mr. Murphy's suspension was challenged and later deemed to be improper, the time that he was on leave from work (close to three months) cannot constitute an interruption in the 24-month-employment-at-the-craft requirement in the *Rules*. See Stone, E-020-LU745-EOH (January 18, 1996), aff'd 95 - Elec. App.- 63 (KC) (January 29, 1996).

Therefore, Mr. Murphy paid his dues in a timely manner for 24 months, including the months during which he was suspended. Accordingly, it is the determination of the Election Officer that Mr. Murphy is eligible to be a candidate for alternate delegate.

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

John F. Hurley
March 11, 1996
Page 3

885 Third Avenue, Suite 1000
New York, NY 10022
Fax (212) 751-4864

John F. Hurley
March 11, 1996
Page 4

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
Julie E. Hamos, Regional Coordinator