

U.S. Department of Labor

Office of Labor-Management Standards
Atlanta-Nashville District Office
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September 16, 2016

Case Number: 410-6007497(71)
LM Number: 540160

Dear Interested Party:

A copy of General Rules for Electing Officers in Amalgamated Transit Union (ATU) Local 1700 is enclosed. It summarizes the election rules and procedures established at the Pre-Election Conference held on August 23, 2016 from 3:00 PM to 5:30 PM EST in Atlanta, GA.

The conference was held pursuant to a stipulation and order of settlement signed on April 7, 2016, by Judge Mehta of the U.S. District Court for the District of Columbia. The order provides that ATU Local 1700 will conduct its regular triannual election of officers under the supervision of the Secretary of Labor.

During the conference, you were advised that the Secretary of Labor is responsible for assuring the conduct of a fair election in accordance with the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), and insofar as lawful and practicable, with the ATU Constitution and the ATU Local 1700 Bylaws. Pertinent provisions of Title IV of the LMRDA and applicable sections of the ATU Constitution and the ATU Local 1700 Bylaws were read and discussed at the conference in relation to the supervised election.

One issued was not resolved at the conference. At the conference questions arose concerning observers and restricting observers to be members in good standing of ATU Local 1700. Review of the ATU Constitution and the ATU Local 1700 Bylaws revealed no requirements that observers be members in good standing or members of ATU Local 1700. As such, for the purposes of this supervised election, observers do not have to be members of ATU.

If you have any questions, please contact me at 404-562-2739 or via email at OLMS-Atlanta-Nashville@dol.gov.

Sincerely,

Tamara Kapper
Election Supervisor

Enclosure

**General Rules For Electing Officers In
ATU Local 1700
Norcross, GA**

Pursuant to a stipulation and order of settlement dated April 7, 2016, in the U.S. District Court for the District of Columbia, the Secretary of Labor will supervise the entire election of the Amalgamated Transit Union (ATU) Local 1700's regularly scheduled triannual election occurring in and around November 2016. The supervised election will be for all ATU Local 1700 Executive Board positions which includes the offices of President, Executive Vice President, Financial Secretary/Treasurer, and one Vice President representing each of the four Regions as set forth in Article V, Section 4 of the ATU Local 1700 Bylaws (one vice president representing each of the four regions and six alternate delegates). The Office of Labor-Management Standards (OLMS) of the U.S. Department of Labor is responsible for assuring that the election is conducted in accordance with Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) and, in accordance with that responsibility, has established the following rules for the supervised election.

1. Election Supervisor

Senior Investigator Tamara Kapper has been appointed Election Supervisor and has the authority and responsibility for implementing all aspects of the supervised election. All questions, correspondence, or protests should be directed to her at the following address:

U.S. Department of Labor/OLMS
Tamara Kapper, Election Supervisor
61 Forsyth Street, SW, Suite 8B85
Atlanta, GA 30303
Phone: (404) 562-2739 Fax: (404) 562-2087
Email: OLMS-Atlanta-Nashville@dol.gov

2. Application of ATU Constitution and Local 1700 Bylaws

The election will be conducted, insofar as lawful and practicable, in accordance with the provisions of the Amalgamated Transit Union Constitution adopted August 26-30, 2013, and the Amalgamated Transit Union Local 1700 Bylaws revised August 2007.

3. Officers to be Elected

As provided in the stipulation and order of settlement, nominations and an election will be conducted for the offices of President, Executive Vice President, Financial Secretary/Treasurer, four Vice Presidents (Regions 1, 2, 3, and 5), and six alternate delegates.

4. Term of Office

The term of office will be for a three year period beginning on January 1, 2017 and ending on December 31, 2019. Installation for those elected will occur at the first scheduled executive board meeting held in January 2017.

5. Eligibility to Hold Office

Pursuant to the ATU Constitution Section 14.2, members in the service of the local union or the international union are deemed to be in service and are eligible to run for office provided they have complied with the provisions of the International Constitution and the bylaws of Local 1700. To be eligible to office, a member must have been in continuous good standing of his or her local the two (2) years next preceding the day of nominations meeting (October 1, 2014 through September 30, 2016).

In accordance with ATU Constitution Section 14.3, members who have voluntarily left the service in which membership of the LU is engaged, or who have retired in pension or who have been discharged for cause found by the LU to be proper, are not eligible to run for any office in the local. Pensioners shall not be eligible to be candidates for or hold office in the local union.

Pursuant to ATU Constitution Section 21.6, each member will be entitled to all benefits, rights, and privileges of the union by the member's and the member's local union obeying the Constitution and General Laws. The member must have submitted an application in accordance with Section 21.3 and either have paid dues and initiation fees in whole or in part or have authorized payroll deductions for such. Such member shall then be in good standing and shall be obligated into membership.

In accordance with the interpretation set forth in former International President Warren George's letter to ATU Local 1700 dated August 24, 2007, eligibility to hold office and to be in good standing is pursuant to Sections 21.6 and 21.11 of the International Constitution which states in part that,

Under long standing and consistent interpretation of that language, an individual is considered to be in good standing once he or she has completed a membership application and either a portion of the accompanying dues and the initiation fees or otherwise entered into a binding authorization for the payroll deduction of such. Unique considerations come into play, of course, where membership cards are obtained from individuals prior to their formal employment as we understand is typically the case at Greyhound. For purposes of Local 1700 officer elections, an individual that signs a membership card and dues authorization form prior to his or her official employment by Greyhound will be considered a member in good standing, with the right to nominate candidates, and cast a ballot, once the individual in question has successfully completed the company's new hire program and has been assigned to the Extra Board.

The individual would thereupon be considered to have been in good standing during the period of his or her suspension and that period would properly be deemed to count toward the satisfaction of the Section 14.2 requirement that a member to be eligible to office must have been in continuous good standing of his or her local for the two years preceding the date of the nomination

meeting. If the individual's arrearage were to extend beyond 12 months, however, then they would not be eligible for reinstatement pursuant to Section 21.11 by the express language of that provision and could re-join only upon the enrollment as a new member of Local 1700. In that instance, the individual would only satisfy the candidate eligibility requirement after two years of continuous standing following his or her new enrollment.

ATU Local 1700 Bylaws Article X, Section 6, states that a member to be eligible for office must have been in continuous good standing for two years prior to being nominated and must comply with the International Constitution and local bylaws at the time of the nominations meeting.

Section 504 of the LMRDA prohibits persons convicted of certain crimes, including robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, and violations of Title II of the LMRDA, from holding office for 13 years after conviction or after their release from imprisonment, whichever is later.

6. Nominator Eligibility

In accordance with the ATU Constitution, Section 21.6, to be eligible to nominate candidates, a member must be in good standing at the time of the nomination meeting.

In accordance with Article X, Section 3, of the ATU Local 1700 Bylaws, good standing means that dues must be current (paid through September 30, 2016) by the time of the nomination meeting on October 11, 2016. Retirees cannot nominate candidates or be nominated for office. Self-nominations are permitted.

7. Nomination/Election Notice

A combined nomination/election notice will be mailed to all ATU Local 1700 members on or about September 19, 2016. Also, notices will be posted at all employer work sites on union bulletin boards, and on the local's website.

The notice will advise members of candidate eligibility requirements, offices to be filled, and the date, time, and place of the nomination meeting as well as the proper form for submitting nominations. In addition, the notice will advise members of voter eligibility requirements and outline the details of the mail balloting procedures.

8. Nomination Meeting

The Local 1700 nomination meeting will be conducted:

Date: October 11, 2016

Time: 6:00 p.m. EST

Place: 3295 River Exchange Drive, Suite 306
Norcross, GA 30092

The OLMS Election Supervisor will attend and supervise the conduct of the nominations but the meeting will be chaired by Election Chairman James Torrissi. No quorum will be necessary.

For the purposes of this supervised election only, the ATU Constitution's, requirement (Section 14.2) that there be a quorum at the nominations meeting, will be waived.

Before the nomination meeting, the Election Committee, who consists of James Torrissi, Boston, MA, Jake McInnis Jr., Chicago, IL, and Mauritta Wallace, Los Angeles, CA, will obtain a list of members in good standing who will be eligible to nominate candidates for election. At the meeting, oral nominations will be accepted from the floor. To make a nomination, a member must stand and be recognized by the Election Chairman, identify himself or herself, be verified as an eligible nominator by the Election Committee, and state the office and name of his/her nominee. No seconds are required.

Pursuant to Article X, Section 3 of the ATU Local 1700 Bylaws, a member in good standing may self nominate if so desired. A member may nominate only one candidate for each position. For example, a member may nominate one individual for President and up to six members for the Alternate Delegates (since there are six vacancies for this position).

If unable to attend the nomination meeting, a member in good standing may make a nomination in writing. The nomination should include the name of the nominee, the office to which nominated, contact information for the nominee, and the name of the member making the nomination. Nominations will be accepted by mail or fax, three calendar days prior to the day of the nominations meeting on October 11, 2016.

Nominations by first class mail should be sent to ATU Local 1700, P.O. Box 1681, Norcross, GA 30091 no later than 12:00 NOON EST on October 8, 2016. If sent by fax, nominations should be faxed to the FST Sammie Howard at (770) 662-0099 no later than 12:00 NOON EST on October 8, 2016. Written or faxed nominations received after 12:00 p.m. on October 8, 2016, will not be accepted. Written nominations will be read by the ATU Local 1700 Election Chair at the nomination meeting.

On October 13, 2016, acceptance/declination of nomination forms will be mailed to all nominees with a notation of any arrearages of dues. All nominees must submit a written acceptance or declination by completing and returning the acceptance form, either by first class mail to the designated post office box, or by fax to the designated fax number as indicated on the form. Nominees must pay any noted arrearage to the FST's office no

later than 5:00 p.m. EST on October 25, 2016 in order for their name to be placed on the ballot. All acceptances of nominations must be received no later than 5:00 p.m. EST on October 25, 2016 in order for their name to be placed on the ballot. Nominees may accept nomination for only one office.

ATU Constitution Section 14.4 states all LUs shall conduct nominations in a timely fashion such that the election process (whether under the primary or plurality system) is completed no later than the twenty-fifth (25th) of June or the twenty-fifth (25th) of December, as determined by the LU pursuant to Section 14.1. In no event shall the nomination meeting be held less than one (1) week before the date of the election, and at least five (5) days' notice of nominations of office shall be given to members previous to the holding of the nominations meeting. At the nominations meeting any member in good standing in the LU may appear and place in nomination for any office any member of the LU who is qualified under this Constitution and the LU bylaws governing nominations and elections.

ATU Local 1700 Bylaws Article X, Section 3, states that nominations for officers will take place at the October charter meeting. For the purposes of this supervised election only, the local's requirement (Article X, Section 3 of the Bylaws) that nominations take place at the October charter meeting, will take place in Norcross, GA.

9. Determining Candidate Eligibility

The Local 1700 Election Committee in conjunction with Department of Labor representatives will review union records to verify the eligibility of all nominees. Each nominee will be advised of the Committee's determination by mail and will be notified of all arrearages of dues.

10. Candidate Meeting

The OLMS Election Supervisor will meet with the Election Committee as well as all interested candidates on October 26, 2016 at 2:00 p.m. EST in the Atlanta Federal Building located at 61 Forsyth Street, SW, Atlanta, GA 30303. In addition, the meeting will be held via teleconference, to discuss campaign restrictions, inspection of the ATU Local 1700 membership list, distribution of campaign literature, and observers. Additional information will be provided forthcoming to all nominees.

11. Campaign Literature

The LMRDA requires that all candidates be treated equally regarding the opportunity to campaign. In addition, Section 401(g) of the LMRDA provides that any money received by ATU Local 1700 or any other labor organization by way of dues, assessments, or similar levy, or monies of any employer may not be used directly or indirectly to support the candidacy of any person in a union officer election. This prohibition extends to equipment, vehicles, office supplies, records, and personnel of ATU Local 1700 or any other labor organization and to employers, whether or not they employ ATU Local 1700 members. Accordingly, union officers and employees may not campaign on time paid for by the union.

The LMRDA also prescribes that members, in the exercise of the right to support candidates of their choice, may not be subjected to penalty, discipline, or reprisal of any kind by a labor organization or its members.

Use of the ATU logo on campaign literature is not permitted.

12. Inspection of Membership List

Once within 30 days of the election (within 30 days of the mailing of the ballots in a mail election) each candidate has the right to inspect a list containing the names and last known addresses of all ATU Local 1700 members subject to a collective bargaining agreement. No candidate is entitled to a copy of the list.

The membership list will be maintained in the ATU Local 1700 office located at 3295 River Exchange Drive, Suite 306, Norcross, GA, 30092, and will be available for inspection by appointment beginning on October 7, 2016 until November 6, 2016. Any candidate who wishes to inspect the list should notify Sammie Howard, ATU Local 1700 Financial Secretary/Treasurer, at (770) 662-0091 and make an appointment.

13. Distribution of Campaign Literature

Candidates that want their campaign literature mailed to the members of Local 1700 must contact Sarah Jollie at The Hensley Company, located at 329 West 18th Street, Suite 702, Chicago, IL 60616, (phone) 312-275-1500, (fax) 312-275-1501, (email) sjollie@hensleycompany.com.

14. Voter Eligibility

A ballot will be mailed to every person who is a member in good standing of ATU Local 1700 as of October 31, 2016 (dues must be paid through October 31, 2016). In order to have his/her ballot counted, a member must be in good standing at the time of the tally of ballots on December 1, 2016. Payment of dues by the 15th of each month satisfies the definition of timeliness for good standing purposes. New members who have signed up for dues check-off are considered to be in good standing once they are posted to the Extra Board and are shown as available for work. Retired members paying full dues are eligible to vote for the offices of president, executive vice president, financial secretary, and six alternate delegates.

The Election Committee will compile a list of all members in good standing when ballots are mailed on November 7, 2016. Members not receiving a ballot, or new members may request a ballot by contacting OLMS Election Supervisor directly at (404) 562-2739, or by fax at (404) 562-2087, or by email at OLMS-Atlanta-Nashville@dol.gov.

15. Ballot Preparation and Mailing

The Election Committee and the OLMS Election Supervisor will design the official ballot and comprehensive voting instructions. The printing, acquisition, custody, control, and distribution of ballots will be under direct OLMS supervision. The cost of all election materials will be borne by ATU Local 1700.

The placement of the candidates' names on the ballot will be alphabetically by their last names. Each candidate may provide an additional nickname or other information (limited to five words) for inclusion under the candidate's name on the ballot.

On or about November 3, 2016, OLMS representatives will meet at the printer, Sommer & Fahrenbach, Inc., 3301 W. Belmont Ave., Chicago, IL 60618 to transport the ballot packages to the mailing house, The Hensley Company, 329 West 18th Street, Suite 702, Chicago, IL 60616. On or about November 7, 2016, OLMS representatives will meet at The Hensley Company to supervise the preparation of the mail ballot packages for mailing. Each member eligible to vote will be mailed:

- voting instructions
- one unmarked ballot
- one small envelope marked "secret ballot envelope"
- one larger stamped return envelope

The voting instructions will advise a member to mark his/her ballot in private, seal it in the secret ballot envelope, and place the secret ballot envelope in the return envelope addressed to the Election Committee. After printing his/her name on the return envelope, a voter must mail the envelope so as to be received no later than 11:00 a.m. EST on December 1, 2016.

The nomination/election notice will be mailed to all Local 1700 members, posted at work sites, and posted on the local's website, www.atu1700.org. The nomination/election notice will advise that any member not receiving a ballot or who has lost their ballot should notify the OLMS Election Supervisor to request a duplicate ballot at (404) 562-2739, via fax at (404) 562-2087, or via email at OLMS-Atlanta-Nashville@dov.gov.

The OLMS Election Supervisor will check the second post office box for ballot packages that have been returned as undeliverable. Local 1700 FST Howard will attempt to find better addresses so that the OLMS Election Supervisor can re-mail the ballot packages that have been returned as undeliverable.

16. Collection and Tally of Ballots

Precisely at 11:00 a.m. on December 1, 2016, the Local 1700 Election Committee, OLMS representatives, and interested candidates or their observers will pick up the ballots from the U.S. Post Office in Norcross, GA. Postal authorities will be instructed that ballots are not to be released under any circumstances until the scheduled time. After picking up the ballots, the Local 1700 Election Committee and OLMS representatives will transport them to the tally site in Norcross, GA, address to be determined. Candidates will be notified of the tally location in ample time to have observers present.

The Election Committee will tally the ballots under the supervision of OLMS representatives. The counting process will continue non-stop until completion. Before actually counting the ballots, the Election Committee will verify that all ballots are from eligible members, using an updated eligibility list. Each voter's name will be marked off the eligibility list to insure that no member casts more than one ballot.

After voter eligibility is checked, the outer envelope will be opened and the secret ballot envelopes removed. After mixing, the secret ballot envelopes will be opened and the ballots stacked for counting purposes. These procedures will insure ballot secrecy. During the counting of ballots, only Election Committee and OLMS representatives will physically handle the ballots. However, candidates or their observers will be permitted to watch the entire counting process. All ballots, counted and uncounted, will be kept in view of the observers at all times.

Write-in votes are not permitted by Section 14.6 of the ATU Constitution. The candidate who receives the greatest number (plurality) of votes cast will be declared elected. In case of a tie vote, the outcome of the election will be determined by a coin toss under the supervision of the OLMS Election Supervisor.

17. Observers

Each candidate is entitled to have three observers (or the candidate plus two observers) present at the various stages of ballot mailing and tally. A candidate may act as his/her own observer. No ballot-related function will take place without OLMS representatives present, and observers will be given notice and opportunity to attend.

Observers will be required to present identification and sign an observer register. Candidates should submit the names of their observers in writing to the Election Committee Chair or the OLMS Election Supervisor two calendar days prior to the event that they want their observer present.

18. Installation of Officers

Newly elected officers will be installed at the first scheduled Board meeting in January 2017 in accordance with ATU Local 1700 Bylaws, Article X, Section 10.

19. Preservation of Records

ATU Local 1700 will post the results of the election on union bulletin boards at the worksites, the union's website, in the union's newsletter, and will preserve all election records for a period of one year.

20. Election Protests

In order to be acted upon, all protests concerning the conduct of the election must be in writing and received by the OLMS Election Supervisor no later than 5:00 p.m. EST on December 12, 2016.

In conclusion, it should be clearly understood that all phases of the nominations and elections of ATU Local 1700 officers are subject to U.S. Department of Labor supervision. No aspect should be conducted without prior consultation with and approval by the OLMS Election Supervisor or his designated representatives.

It should also be noted that the above rules and regulations are not all inclusive. Additional election rules or clarifications may be promulgated by the OLMS Election Supervisor as needed during the nomination and election period.