

**INTERNATIONAL BROTHERHOOD OF TEAMSTERS
LOCAL UNION NO. 731**

In the matter of:

Willie Butler, Delmer Craig, Daniel)	
Kopacz, Oscar Mancia, James)	
Patterson, and William Strickland,)	
)	
Charged Members,)	
)	
and)	September 28, 2007 charge
)	Crossing authorized picket line
Alvaro B. Garcia, Alejandro Rodgriguez,)	
Ronald G. Huffman, Jorge Perez, Jose G.)	
Marquez, Victor Manuel Ortiz, Ruben)	
Carrisoza, Hugo Gutierrez, Matthew)	
Mesnard Jr., and Jesus Ortiz,)	
)	
Charging Members.)	

DECISION – JAMES PATTERSON

On September 28, 2007, Charging Members Alvaro B. Garcia, Alejandro Rodriguez, Ronald G. Huffman, Jorge Perez, Jose G. Marquez, Victor Manuel Ortiz, Ruben Carrisoza, Hugo Gutierrez, Matthew Mesnard Jr., and Jesus Ortiz each filed identical charges with Teamsters Local Union No. 731 Secretary-Treasurer John J. Lisner against Charged Members Willie Butler, Delmer Craig, Daniel Kopacz, Oscar Mancia, James Patterson, and William Strickland. The Charging Members are all Lechner and Sons employees and Teamsters Local Union No. 731 members in good standing. Each of the charges alleges the following misconduct:

Commencing on Thursday, July 13, 2006, and concluding on Friday, June 29, 2007, the abovementioned member has crossed an authorized primary picket line established by Teamsters Local 731 in sympathy with striking workers in the employ of Lechner and Sons. This conduct harms fellow Union members, undermines the legitimate objects and interests of Teamsters Local 731, and otherwise violates Article XIX Section 7(b)(2) and (7) of the International Brotherhood of Teamsters Constitution and Section 4(A)(2), (4) and (6) and Section 30 of the Teamsters Local 731 Constitution and By-Laws.

By letter dated November 9, 2007 the Charged Members and the Charging Members were all served with copies of the above charges and advised of a hearing on the charges to be conducted before a duly constituted hearing panel on November 20, 2007 at the Offices of Local 731. The notices were sent by United States mail to the Charged Members' homes and personally delivered to them.

The hearing on these charges was conducted on November 20, 2007 at the Offices of Local 731. The hearing panel was comprised of Local 731 Executive Board members and hearing panel appointees John J. Lisner, Dale A. Bolt, Timothy P. Dunlap, Richard J. Brennan, Walter G. Thiede, Daniel L. Coan, and Donald A. Puzman. Local 731 President Terrence J. Hancock served as hearing panel Chairman. A transcription was prepared of the hearing proceedings, which has been made available to all parties. The record before the hearing panel shows the following:

Commencing on July 12, 2006, Local 731, on behalf of the Route Sales Representatives it represents at Lechner and Sons, agreed to honor a picket line established in support of other striking Lechner and Sons employees represented by UNITE/HERE who were attempting to secure a new collective bargaining agreement. Local 731 thus commenced a sympathy strike in support of UNITE/HERE. This sympathy strike was duly sanctioned by Teamsters Joint Council No. 25, to which Local 731 is affiliated.

Local 731 picketing at Lechner and Sons occurred on Monday through Friday during the entire period of the strike, from on and after July 12, 2006 and until June 29, 2007. The Charging Members engaged in regular picket line duty and they submitted eighteen (18) weeks of picket attendance sheets in support of their testimony.

Charging Members Alvaro Garcia, Alejandro Rodriguez, Ronald Huffman, Jorge Perez, Jose Marquez and Victor Ortiz testified that they participated in the picketing and they personally observed Charged Members Butler, Craig, Kopacz, Mancina, Patterson, and Strickland cross and work behind the picket established by Local 731.

Lechner and Sons provided information showing that the Charged Members were employed by Lechner and Sons at various times prior to and during the strike and were earning \$734.00 or \$800.00 per week during the period of the strike.

The Charged Members became members of Local 731 on the dates shown opposite each name:

Willie Butler	February 13, 2008
Delmer Craig	1995
Daniel Kopacz	September 12, 2006
Oscar Mancina	February 13, 2008
James Patterson	1995
William Strickland	February 2, 2004

None of the Charged Members appeared at the hearing or offered any defense.

The Charging Members have requested that the hearing panel find the Charged Members guilty, impose a fine upon them equal to their earnings during the period of their infraction, and expel them from membership in Local 731.

Applicable Constitutional Provisions

Article XIX of the International Brotherhood of Teamsters Constitution authorizes the filing of charges against Local 731 members. Article XIX Section 7(b) identifies, as grounds for charges against a member:

(2) Violation of Oath of Office or of the Oath of Loyalty to the Local Union and the International Union.

* * *

(7) Crossing an authorized primary picket line established by the member's Local Union or any other subordinate body affiliated with the International Union.

Article XIX Section 8 further identifies the following specific offense and recommended penalty:

Any member who . . . knowingly goes to work or remains in the employment of any person, firm, or corporation, whose employees are on strike or locked out, unless he has permission of the International Union, the Joint Council, or his Local Union, may be tried by the Executive Board of his Local Union. . . . It is recommended that the penalty for violating this Section shall be a fine equal to the wages earned while working in violation of this Section. For repeated violations, suspension, or expulsion in addition to a fine should be considered.

Section 4(A)(2), (4) and (6) of the Teamsters Local 731 Constitution and By-Laws identifies the objects of Local 731 as including "to provide the benefit of Unionism to all workers," to "safeguard, advance, and promote the principle of free collective bargaining," and "to provide financial and moral assistance to other labor organizations." Section 30 identifies the oath of loyalty required of all members, which includes compliance with all rules and regulations for the government of Local 731 and the International Union, accepting and discharging the members' responsibilities during any authorized strike or lockout, never knowingly harming a fellow member, and refraining from conduct that would interfere with the Union's performance of its legal or contractual obligations.

Findings

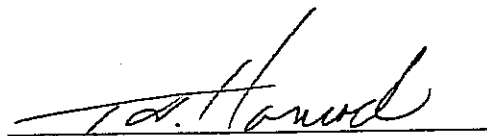
Based upon the record as a whole, the hearing panel makes the following findings:

1. The Charges against James Patterson in this matter were timely and properly filed.
2. Charged Member Patterson was duly served with written, specific charges, given a reasonable time of no fewer than ten days to prepare his defense, and afforded a full and fair hearing.
3. Local 731 engaged in a primary strike and duly established a picket line in support thereof, which was authorized by Teamsters Joint Council 25. That the strike was a sympathy strike does not affect this finding. The picket line in support of the strike was established from July 12, 2006 until June 29, 2007, or a total of fifty (50) weeks.
4. Charged Member Patterson knowingly crossed the Local 731 picket line and worked behind it.
5. Charged Member Patterson was at all relevant times a Local 731 member. As a Local 731 member, Charged Member Patterson was subject to the requirements of the International Brotherhood of Teamsters Constitution and the Local 731 Constitution and By-Laws.
6. The preponderance of reliable evidence shows that Charged Member Patterson is guilty of violating Article XIX Sections 7(b)(2), (7) and Section 8 of the International Brotherhood of Teamsters Constitution and Sections 4(A)(2), (4) and (6) and Section 30 of the Teamsters Local 731 Constitution and By-Laws.
7. Charged Member Patterson shall be fined an amount equal to his base earnings during each of the weeks he was a member of Local 731 and crossed and worked behind a Local 731 picket line. The fine amount is: \$40,000.00 (50 weeks @ \$800.00/week). In addition, should it be necessary to commence legal proceedings to collect any portion of the fine, Charged Member Patterson shall pay all costs and attorney fees actually expended in connection with those collection proceedings.
8. Charged Member Patterson shall also be expelled from Local 731 membership, though he may re-apply for membership one (1) year after paying the entirety of the fine.

Notice of Appeal Rights

In the event disciplinary action is taken against the accused, he or she may take an appeal from the decision of the Local Union Executive Board to the Executive Board of the Joint Council, if one exists; otherwise the appeal shall be taken to the General Executive Board.

All manner of appeals shall be taken within fifteen (15) calendar days from the date the decision is placed in the mail or otherwise transmitted to the interested parties. Appeals shall be considered to be filed on the date postmarked, if served by mail, or the date transmitted, if served by facsimile. Appeals may not be served by electronic mail. The appellant shall mail or serve by facsimile a written notice of such appeal to the Secretary of the body to which the appeal is directed.


Terrence J. Hancock, Chairman

Dated: 05/22/08