



# Amalgamated Transit Union

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## **NOTICE OF TRUSTEESHIP TO ALL MEMBERS OF ATU LOCAL 113 February 3, 2017**

Dear Brothers and Sisters:

This is to notify all officers and members of ATU Local 113 that under the authority vested in me by the General Executive Board and pursuant to Section 12.6 of the Constitution and General Laws (CGL) of the Amalgamated Transit Union, I am hereby placing Local 113 into temporary trusteeship, effective immediately. A trusteeship hearing will be scheduled promptly and notice will be forthcoming as to the time, date, and location of the hearing.

By letter dated February 2, 2017, I advised the local union officers that Local 113 was being placed in temporary trusteeship, effective immediately, because; (1) on about February 1, 2017, Local 113 President/Business Agent Bob Kinnear filed a request with the Canadian Labour Congress (CLC) to initiate the process to ultimately disaffiliate with the ATU International, and; (2) President Kinnear has taken this action in violation of Local 113 bylaws and the ATU CGL.

The effort to disaffiliate from the ATU International is a violation of Section 22.2, Charges Involving Dual Unionism, of the ATU CGL. Furthermore, President Kinnear's actions not only violated the CGL, but the bylaws of Local 113, as he improperly bypassed the Local's requisite decision-making process. As a result, the effective functioning and the performance of the local union's duties are impaired.

This February 2, 2017 letter advised that, by operation of our CGL, imposition of the trusteeship automatically suspended from office all officers and executive board members of the local and relieved them of any further duty to administer the local's affairs. The letter also advised of the basis for the trusteeship, including but not necessarily limited to, the abovementioned actions.

As a result, I concluded that the local union could no longer perform its legitimate and necessary functions in the absence of a trusteeship.

Pursuant to the provisions of Section 12.6 of the Constitution and General Laws, it is now necessary to hold a hearing in order to determine whether the trusteeship is justified on the

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basis set forth above and whether it shall be continued. The hearing will be conducted in accordance with the following provisions set forth in Section 12.6 of the Constitution:

*The temporary trusteeship hearing shall be conducted in the vicinity of the subordinate body involved by a hearing officer appointed by the I.P. who was not involved in the decision of imposing the trusteeship, with assistance from a member of the International Legal Department. Attendance at the hearing shall be limited to members in good standing.*

*Adequate notice of the time, place, and subject of the hearing shall be sent by the I.P. to the officers of the subordinate body and made available to its members by posting at appropriate locations.*

*The subordinate body shall be represented at the hearing by its officers, who will have the right to legal counsel at the expense of the subordinate body except in cases of financial malfeasance, shall have the right to examine and cross-examine witnesses, present other evidence, and argue the case for or against the trusteeship, subject to rules formulated by the hearing officer to prevent undue repetition.*

*Members shall have the right to testify, subject to rules formulated by the hearing officer to prevent undue repetition. If a member alleges that the officers of the subordinate body cannot adequately represent his or her interests, the hearing officer may determine, upon a sufficient showing, to permit the member to participate in the examination and cross-examination of witnesses, the presentation of other evidence, and the argument.*

*Any officer or employee of the subordinate body who refuses to produce any document relevant to the hearing shall be subject to immediate suspension from office or employment by the G.E.B. pending proceedings under the concluding paragraphs of this section.*

*The hearing officer may formulate whatever additional rules may be required to ensure a full, fair, and expeditious hearing.*

*All testimony shall be taken under oath and a verbatim stenographic transcript shall be made of the hearing.*

*The hearing officer shall submit his or her findings and recommendations to the G.E.B. with the hearing transcript and exhibits.*

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*Within forty-five (45) days from the date the hearing closes, the G.E.B. shall issue its decision and order, which shall include its findings and determinations. Such decision and order shall be sent to the subordinate body and made available to its members.*

Please be aware that, because this is an internal Union proceeding, the hearing is open only to ATU members in good standing, and attendees should be prepared to present proper identification.

In solidarity,

  
Lawrence J. Hanley  
International President

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c: Javier M Perez, Jr., International Executive Vice President  
Oscar Owens, International Secretary-Treasurer  
Emanuele Sforza, Trustee, ATU Local 113