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**ADVISORY ON NOTIFYING MEMBERS OF CHANGES TO
NOMINATIONS MEETING FORMAT IN RESPONSE TO COVID-19**

December 28, 2020

The public health response to the COVID-19 pandemic has required modification of some procedures of the IBT International Union Delegate and Officer Election. The Office of the Election Supervisor (“OES”) has required the notice of nominations meeting mailed to each member by the local union to include a prominent statement alerting members to the possibility that meeting formats could change because of COVID-19 and advising members that the nomination process could be carried out entirely by writing (which would eliminate the need to attend a meeting in person). The notice language reads as follows:

Nominations meetings may be affected by government response to the Covid-19 pandemic, including change in location, limitation on the number of attendees and use of video conferencing.

- **Members wishing to attend their union’s nominations meeting should contact their Local Union for updated information regarding any changes to the procedures for conducting the nominations meetings.**
- **Members wishing to nominate, second or accept nomination ARE STRONGLY URGED to submit nominations, seconds or nomination acceptances in writing as provided in the Local Union Election Plan.**

Almost all local unions submitted election plans that provided for an in-person meeting for nominations, and OES approved those plans. Notices of nominations meetings mailed to members and posted on union bulletin boards—even with the above notice—indicate that the meeting will be held in-person and inform members of a specific date, time, and place for the meeting.

Local unions that conducted delegate and alternate delegate nominations at in-person meetings in the fall of 2020 followed protocols for the protection of public health, including the required use of protective masks, and mandating social distancing at meetings by using or procuring sufficient indoor space to allow attendees to participate, or holding meetings outdoors. Although the public health response to the pandemic is advancing with the approval and distribution of vaccines, the concerns that required those adaptations will remain through the nominations meetings that are to be conducted in 2021. Public information about the course of the pandemic suggests that some states or localities may impose restrictions in the coming months that limit or possibly prohibit in-person gatherings such as nominations meetings, and

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any meetings must be conducted in compliance with controlling public health mandates. Anticipating the possibility of restrictions, this Advisory addresses notifying members of changes to the format of the nominations meeting so they may participate as nominators, seconders, and candidates.

For local union election plans already approved by OES that provide for remote participation by videoconference or other electronic means (whether the meeting is conducted entirely using such a format or will be conducted in-person with a remote participation option), notice to the members will include information on that technology, and the meetings will proceed as the plans state.

OES anticipates two scenarios, however, where a local union seeks to change the format of the nominations meeting in its approved plan from a strictly in-person meeting to one that permits remote participation. Notice of changes to the format of such a nominations meeting will be needed in the following scenarios: 1) where the local union's approved election plan calls for a strictly in-person nominations meeting, and the local union has not yet mailed or published the notice of nominations meeting; and 2) where the local union's approved election plan calls for a strictly in-person nominations meeting and notice of that meeting has already been mailed to members and published on union bulletin boards. **In either scenario, the only changes OES will permit concern the format of the meeting and, for late-notice public health orders addressed in Section (B)(2) below, modification of the written nomination and acceptance procedures. Otherwise, the procedures in this Advisory do not permit changing the date or time of the nominations meeting, or the deadlines for submitting written nominations, seconds, and acceptances.**¹

A. Scenario One: Plan Approved, But Nominations Notice Has Not Yet Been Mailed or Posted

1. If an in-person meeting is not prohibited by public health mandate (that is, by a controlling law, regulation, or order) and the local union plan provides for an in-person nominations meeting, the local union may choose to conduct the in-person meeting as stated in its election plan, and mail and post an OES-approved notice of that meeting.

Even if in-person meetings are allowed under by public health mandate, however, a local union may voluntarily choose to conduct nominations remotely, either fully remotely ("fully remote nomination process") or by adding a remote participation feature to the in-person meeting ("hybrid nomination process"). **If the local union chooses to convert to a fully remote meeting or to add a remote participation option, it must:**

- Advise its OES Regional Director in writing of its request to amend its election plan to incorporate a remote participation feature; and
- Include information in its nomination notice that is sufficient to inform its members how to register for remote participation.

¹ The place of an in-person nominations meeting should not be changed under this Advisory unless the location stated in the local union election plan has become unavailable or unusable.

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The OES Regional Director for the local union must approve the form and language of the nomination notice prior to its mailing and posting.

Article II, Section 5(d) of the Election Rules requires that notice of nominations meetings be mailed and posted at least 21 days in advance of the meeting. Accordingly, a local union that has not yet given notice of its nominations meeting and that seeks to change the meeting format in its approved plan from strictly in-person to one permitting remote participation should initiate the approval process for the change sufficiently in advance to permit it to comply with the 21-day notice requirement.

2. If a local union is required by public health mandate to conduct its nominations meeting by fully remote nominations process, or if social distancing orders effectively require using a hybrid nomination process, the procedure stated in (1), *above*, must be followed.

B. Scenario Two: Plan Approved, But Local Union Has Already Mailed and Posted the Nominations Notice for a Strictly In-Person Meeting

If the local union seeks to add a remote participation feature to an in-person meeting or to conduct the meeting on a fully remote basis after it has given notice of a strictly in-person meeting, the local union must take the following steps to give notice of the change to its members:

1. Where the local union seeks to modify the meeting format either voluntarily or because of public health mandate, it must do the following to insure that notice of the change in procedure will be published not less than 15 days before the date of the in-person meeting:

- Advise its OES Regional Director in writing of its request to amend its approved election plan to incorporate the remote nominations process;
- Once the request is approved by the OES Regional Director, the local union must publish an amended nomination notice, in form and substance approved by the OES Regional Director, that includes language sufficient to inform its members how to register for the remote nomination process. “Publication” of the amended notice requires posting it on all union bulletin boards, websites and social media outlets, if any, maintained by the local union at least 15 days before the date of the nominations meeting. The local union may mail the amended notice to its membership but is not required to do so.

2. If a public health mandate issued less than 15 days before the scheduled date of the meeting permits a local union to conduct its nominations meeting only by a fully remote nominations process, the local union must do the following:

- Advise its OES Regional Director of the mandate to change the meeting format in its approved election plan;
- After the OES Regional Director approves the change, the local union must publish an amended nomination notice, in form and substance approved by the OES Regional Director, that includes language sufficient to inform its members how to register for the remote nomination process. “Publication” of the amended

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notice requires posting it on all union bulletin boards, websites and social media outlets, if any, maintained by the local union. The local union may mail the amended notice to its membership but is not required to do so.

- Post a local union representative at the location first published as the in-person meeting site and at the time scheduled for the meeting, equipped with:
 - information necessary to determine whether an individual who appears at the meeting site is eligible to attend the nominations meeting *or* a procedure for contacting a designee of the nominations meeting chair who can provide information on the individual's eligibility to attend;
 - information sufficient to allow a member eligible to attend the nominations meeting to engage in the remote nominations process; and
 - blank forms that may be used to submit written nominations and seconds of candidates, and written acceptances of nomination which, if completed and submitted before the close of the meeting, either by hand to the local union representative at the original in-person meeting site or by email, fax, or other electronic means to the designee of the nominations meeting chair, will be deemed to have been made in-person in accordance with the 2021 Rules, notwithstanding the requirement of Article II, Section 5(g) of the Election Rules.

The IBT has provided detailed guidance to local unions on how to conduct local union meetings in a virtual setting. That guidance should be followed; the OES will provide additional guidance to local unions as necessary to carry out specific steps in the nominations process.

Dates: December 28, 2020
Washington, D.C.


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