

In the Matter of
ROME ALOISE

Before the
INDEPENDENT REVIEW OFFICER

ORDER OF THE INDEPENDENT REVIEW OFFICER

On December 22, 2017, pursuant to the Final Agreement and Order (the “Final Order”), approved on February 17, 2015, in *United States v. International Brotherhood of Teamsters, et al.*, 88 Civ. 4486 (LAP), and the Rules Governing the Authorities of the Independent Disciplinary Officers and the Conduct of Hearings (the “Rules”), I issued my decision as the Independent Review Officer (IRO) regarding the discipline of Rome Aloise. The Charges against Aloise, which are detailed in my October 24, 2017 ruling, alleged that Aloise violated the Constitution of the International Brotherhood of Teamsters (IBT), the Bylaws of his local, and provisions of the Taft Hartley Act and the Labor-Management Reporting and Disclosure Act (LMRDA). In sum, I upheld the Charges and determined that Aloise brought reproach upon the IBT. I then ordered the following discipline be imposed on Aloise:

1. He shall be suspended from his positions as International Vice President, President of Joint Council No. 7, and Secretary-Treasurer and Principal Officer of Local 853 for two years;
2. He shall not hold any position, elected or appointed, with the IBT, Joint Council No. 7, Local 853, or any other IBT affiliate for two years; and
3. No IBT entity shall pay him, nor shall he accept, any salary, gratuities, gifts, payments, allowances, fees, benefit payments or contributions or any other compensation of any kind for two years, except that he may receive compensation that has accrued prior to the date of the decision.

It has since come to my attention that none of the IBT entities (*i.e.*, the International, Joint Council No. 7, and Local 853) on which Aloise held positions from which he has been suspended has indicated that Aloise has been subject to any discipline or change in status. For instance, all three entities still list Aloise on their respective websites as follows: International Representative – West,¹ President of Joint Council No. 7,² and Principal Officer/Secretary-Treasurer of Local 853.³ In addition, it has come to my attention³ that the Joint Council No. 7 Executive Board issued a memorandum to the Locals in the Joint Council touting its view that my disciplinary order did not result in a vacancy of Aloise’s position as President.⁴

I am deeply troubled by the lack of transparency illustrated at all levels of the IBT in failing to acknowledge Aloise’s suspension on their websites. My decision to suspend Aloise from his leadership positions was meant, in part, to advise the IBT leadership, the IBT membership, and those who do business with the IBT that Aloise had disregarded core union principles, overstepped his authority, and failed to uphold his promise as a union representative. Any IBT entity holding Aloise out as an elected or appointed official in good standing is misrepresenting his current status. Accordingly, I am ordering that the relevant IBT entities (the International, Joint Council No. 7, and Local 853) indicate on their websites that Aloise has been disciplined for bringing reproach upon the union and suspended from his respective elected or appointed position for two years.

Further, Joint Council No. 7 is mistaken in its view that Aloise’s suspension does not create a vacancy in its presidency. The IBT Constitution provides, in relevant part, that,

“[t]he Local Union Executive Board and the Executive Board and/or Policy Committee of all other subordinate bodies shall determine when a vacancy exists due to the temporary unavailability of an elected officer; **provided however, that if an officer is unavailable for twelve (12) months or more, the office shall be**

¹ See <https://teamster.org/about/leadership>. Last visited January 3, 2018.

² See <https://www.teamstersjc7.org/about-us.html>. Last visited January 3, 2018.

³ See <http://www.teamsters853.org/officers-staff.html>. Last visited January 3, 2018.

⁴ See Joint Council No. 7 Executive Board Memorandum, dated Dec. 28, 2017. Attached as Exhibit A.


considered to be vacant. When the office has been determined to be vacant, all of the remaining Executive Board officers shall have the right to vote to fill the vacancy by appointment for the entire remainder of the unexpired term. Once appointed, the new officer shall serve the remainder of the unexpired term”

IBT Const. Art. XXII, Sec. 9 (emphasis added). As I read the Constitution, because Aloise’s two-year suspension from the Presidency has rendered him unavailable for more than twelve months, his office at the Joint Council (and his Local) is now vacant. Therefore, pursuant to the bylaws of Joint Council No. 7, the Executive Board is required to appoint a delegate to serve out the remainder of Aloise’s term as President. *See* Joint Council No. 7 Bylaws, Art. V, § 3 (“In the event of the death, resignation, or other termination of an officer, the Executive Board shall appoint a delegate to serve the remainder of the term of office.”). Regardless, because Aloise has been suspended from his role as the Principal Officer/Secretary-Treasurer of Local 853, he is not eligible to serve as President of the Joint Council.

In light of the considerations detailed above, I hereby order the following:

1. The IBT shall indicate on its website that Aloise has been suspended from his position as an International Representative for two years for bringing reproach upon the union;
2. Joint Council No. 7 shall indicate on its website that Aloise has been suspended from his position as President for two years for bringing reproach upon the union;
3. Local 853 shall indicate on its website that Aloise has been suspended from his position as Principal Officer/Secretary-Treasurer for two years for bringing reproach upon the union and take the proper steps to fill the vacancy as set forth in its bylaws; and
4. Joint Council No. 7 shall correct its erroneous December 28, 2017 memorandum and reissue it to indicate that Aloise’s suspension results in a vacancy under the IBT Constitution and take the proper steps to fill the vacancy as set forth in its bylaws.

Actions one through three shall be accomplished by no later than January 5, 2018. Action four shall be accomplished by no later than January 17, 2018. Failure to comply with the above will require that I take all necessary steps available to the IRO under the Final Order to ensure compliance, including taking further disciplinary action against Aloise.


Hon. Barbara S. Jones (ret.)
Independent Review Officer

Dated: January 3, 2018

EXHIBIT A

TEAMSTERS JOINT COUNCIL No. 7

Affiliated with the International Brotherhood of Teamsters



December 28, 2017

TO ALL LOCAL UNIONS IN JOINT COUNCIL No. 7 and ALL DELEGATES:

Judge Barbara Jones' decision issued last Friday suspended JC 7 President Rome Aloise from his elected Local, Joint Council and International Brotherhood of Teamsters positions for two years. For now, the decision prevents him from serving in an elected or appointed Teamster position, but he remains a Teamster member, fully able to communicate with officers, business agents and members.

Article V, Section 3 of the JC 7 Bylaws provides that, "In the event of the death, resignation or other termination of an officer, the Executive Board shall appoint a delegate to serve the remainder of the term of office." Because the decision does not strip him of his elected offices (as Judge Jones had the authority to do) and he has not resigned, Rome remains the President of Joint Council 7 for the foreseeable future. Because there is a suspension but no vacancy, there is not a basis for us to make an appointment to the Executive Board to serve out the remainder of the term. While Rome has been suspended and there are many unanswered questions, he remains the elected JC 7 President.

In the meantime, Article VII, Section 1 of the JC 7 Bylaws provides that, "It shall be the duty of the Vice President, in the absence of the President, to preside at meetings of the Joint Council and the Executive Board, and to perform all duties pertaining to the office of President." On this basis, JC 7 Vice President Carlos Borba will perform the duties of President during Rome's absence and we will all be working to provide the support you have come to expect from the Joint Council.

Since the merger of Joint Councils 7 and 38 in 2010, our Joint Council has become California's leading force for organized labor, adding members, wielding enormous influence in State and local politics, and helping its Locals continue to negotiate the best Agreements in the IBT. Our aim is to build on Rome's legacy until he returns to office. Locals should not hesitate to ask us or JC 7 Political Director Doug Bloch for our assistance.

THE JOINT COUNCIL 7 EXECUTIVE BOARD

Carlos Borba
Dave Hawley
Mark Gleason
Peter Finn
Ashley Alvarado
Pete Núñez



Organized November 18, 1907
United with JC# 38 January 1, 2010

Executive Board

Rome Aloise
President

Carlos Borba
Vice President

Dave Hawley
Secretary-Treasurer

Mark Gleason
Recording Secretary

Maria Ashley Alvarado
Trustee

Peter Finn
Trustee

Peter Nunez
Trustee

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