

**REPORT TO ALL MEMBERS  
OF THE INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS**

FROM: The Independent Disciplinary Officers

Hon. Barbara S. Jones  
Robert D. Luskin, Esq.

DATED: March 2, 2023

**I. INTRODUCTION**

The following is Magazine Report 1 of the Independent Disciplinary Officers ("IDO") for 2023 regarding activities from December 1, 2022 through February 28, 2023, conducted pursuant to the Final Agreement and Order of February 17, 2015.

**II. STATUS OF OPERATIONS**

The IIO's office in Arlington, Virginia has resumed normal operating status. The IIO continues to closely monitor the state of the COVID-19 pandemic and is conducting its operations in other parts of the country in accordance with applicable regulations, guided by local conditions and the recommendations of relevant public health authorities.

**III. NEW MATTERS**

On February 28, 2023, the IIO issued a report to the IBT General President recommending charges against former Local 853 principal officer Dennis Hart. The IIO recommended that Hart be

charged with a) failure to cooperate with the independent disciplinary process of the Final Order by circumventing and disregarding the IRO-imposed suspension of former International Vice President Rome Aloise; b) failure to cooperate with the independent disciplinary process by providing material false testimony under oath in sworn examinations and a *de novo* hearing conducted pursuant to the Final Order; and c) breaching his fiduciary duty by authorizing and permitting expenditures of Local 853 funds totaling hundreds of thousands of dollars without required advance approvals of the local union executive board and/or the local union membership, and without a union purpose.

**Failure to Cooperate with Suspension Order**

The IIO's report alleged that Hart was appointed to a position on the executive board of Local 853 in Spring 2017. At the time of Hart's appointment, Rome Aloise was the elected secretary-treasurer and principal officer of Local 853, as well as an International Vice President and the President of Joint Council 7. On December 22, 2017, after a *de novo* hearing on IIO-recommended charges, the IRO imposed on Aloise a 2 year suspension from all elected or appointed IBT positions, including but not limited to his position as principal officer of Local 853.

A member or union official is required to take affirmative steps to prevent a suspended official from violating his

suspension, whether by reporting the violation to the Independent Investigations Officer, protesting the suspended official's intrusion in local union affairs, or refusing to meet or speak with the suspended official. A union official who knowingly permits the suspended official to violate his suspension, even through acquiescence or sitting idly by, violates his obligation under the IBT constitution and the Final Order.

Aloise's suspension commenced December 22, 2017, and ran through December 22, 2019. The IIO's Report alleged that far from taking "affirmative steps to prevent Aloise from violating his suspension," Hart repeatedly and pervasively breached his obligations under the IBT constitution by enabling and welcoming Aloise's continued leadership of the union.

According to the IIO's report, immediately following the IRO's Order, Hart presided over a Local 853 executive board meeting that unconstitutionally denied that Aloise's suspension caused vacancy in the principal officer position. The executive board refused to appoint a successor for Aloise, and Hart accepted the principal officer duties only on a month-to-month basis. The IRO responded to this action by holding that her suspension order created a vacancy under the IBT constitution, and she ordered the Local to fill it.

The IIO further alleged that despite clear Consent Decree precedent as well as specific guidance issued by the IBT General Counsel, Hart actively facilitated efforts by Aloise to remain heavily involved in Local Union 853's efforts to organize non-union bargaining units. Thus,

- a. Hart relied on Aloise to draft flyers to be used to solicit support among workers;
- b. Hart relied on Aloise to draft a letter to be distributed to employers who paid their drivers substandard wages;
- c. Hart consulted with Aloise about creating a Drivers' Guild for rideshare drivers;
- d. Aloise advised Hart to use a NY Times article on the benefits of unionizing when organizing;
- e. Hart and Aloise consulted about which transportation employer to target in an organizing campaign;
- f. Hart consulted with and received advice on jurisdictional disputes with other unions concerning organizing.

The IIO alleged that Hart relied on Aloise as the principal driver of organizing activities within Local 853. The IIO cited several instances where Aloise drafted organizing flyers to be used by local union staff to solicit support among non-union employees. The IIO alleged that far from doing everything within

his power to see that Aloise's suspension truly effectuated, Hart facilitated Aloise's continued exertion of authority over the Union and over those who had learned to follow his lead.

According to the IIO's report, Hart encouraged Aloise to remain intimately involved not merely with organizing but with collective bargaining for Local Union 853's members as well. The IIO cited the example of the shuttle bus industry, which Hart described as "Rome's baby." The report alleged that with Aloise precluded from officially leading negotiations for a successor CBA, Hart and two business agents under his supervision nonetheless reached out to Aloise multiple times for his "historical context" and opinions on negotiating strategies. Hart also invited Aloise to speak at a meeting of drivers to persuade them of the merits of a particular bargaining strategy.

The IIO alleged that in other contract negotiations, Hart facilitated Aloise's continued involvement, which ranged from developing bargaining strategies, gathering information necessary for bargaining, drafting communications for bargaining unit members, speaking at bargaining unit meetings, drafting communications for secondary employers in contract disputes, reviewing proposed contract terms, drafting contract terms, communicating and meeting with management representatives, organizing strike actions, and administering the contractual

grievance procedure. Far from objecting to Aloise's involvement, the IIO alleged that Hart relied on it.

According to the Charge Report, Hart welcomed Aloise's continued involvement during his suspension in organizing and bargaining as well as local union administration. The IIO alleged that Aloise gave and Hart took advice in this sphere, from consequential to mundane. Thus, Aloise, 15 months into his two year suspension, instructed Hart that a particular business agent for Local Union 853 was to be assigned to the Levi's Stadium bargaining unit: "not anywhere else, to be clear." (This was not the first direction Aloise gave during his suspension with respect to this BA; in May 2018, Aloise directed that he respond to potential members about organizing UE members.)

According to the IIO's Report, aside from following Aloise's staffing directions, Hart accepted Aloise's suggestion that the local union conduct sexual harassment training (and consulted with him as to who should lead the training), and accepted Aloise's information about the U.S. Supreme Court's decision in *Janus v. AFSCME*, 138 S.Ct. 2448 (2018), concerning payment of agency fees by public sector employees. Hart also consulted with Aloise about the local union's proposed investment in a building to house its offices. Hart also consulted with him about the scope of funds coverage. Of less consequence, Hart relied on Aloise for advice

as to whom to contact at IBT headquarters, how to submit proposed bylaws changes for approval, how a business agent should announce his leave of absence, and the decision for the local union to buy t-shirts. The IIO alleged that in most cases, Hart sought out Aloise's advice, but in no event did he instruct Aloise to cease his contact and abide by the terms of his suspension.

According to the IIO's report, Aloise remained involved in political activities for public officials where the union and its members stood to benefit, all with Hart's approval. Thus, Aloise kept Hart informed of his efforts to organize a political action committee concerning California road and bridge safety, an issue important to drivers represented by the local union. Aloise asked Hart to provide union support on an energy initiative, which potentially could affect jobs of local union members. At Hart's request, Aloise attended a political event in support of San Francisco Acting Mayor London Breed, who was running in (and would win) a special election for mayor of that city. And Aloise instructed Hart to send Teamsters to a briefing on legislative initiatives in the energy sector that might cause job losses.

The IIO also alleged Aloise remained heavily involved in the internal union politics of Joint Council 7, where Hart was an executive board member. There, Aloise gave advice on how to deal with a political opponent in the joint council. Aloise urged

distribution of a flyer targeting his opponent at a joint council "Day at the Ballpark" social event. Aloise collaborated with Hart and others to have the individual removed as chair of the NorCal UPS grievance panel, which included Aloise's draft of a mock political flyer supporting him. On other internal union political issues, Hart informed Aloise of a request by a local union within Joint Council 28 to affiliate with a different joint council because of political issues. Aloise, with Hart's knowledge, attended the summer 2019 Joint Council 7 event in Lake Tahoe Nevada.

According to the IIO's report, Rick Hicks, president of neighboring Joint Council 28, took seriously the obligations all Teamsters had to insure that Aloise complied with the terms of his suspension. When Hicks learned that Aloise planned to attend a meeting of the Western Conference of Teamsters Pension Trust Meeting in late September 2018, he first prevailed on the union chairman of the trust to insist that Aloise not be permitted to attend, as Aloise's participation would violate the IRO's order and Consent Decree precedent. The chair refused, prompting Hicks to formally withdraw all Joint Council 28 local union officers, business agents, and staff from participation, leading to the meeting's cancellation.



The IIO alleged that Aloise interpreted Hicks' action as a personal insult, and that Hart supported Aloise's efforts to retaliate against Hicks. At Aloise's suggestion, Hart promised to phone the WCT union chairman in support of his decision to permit Aloise to attend the meeting. The IIO alleged that rather than defend compliance with the Final Order, Hart indulged Aloise's claim that Hicks' actions were rooted in personal grievance, writing in an email to Aloise: "We don't know how many really agree with that asshole. [Hicks is] just a fucking bully."

The IIO also alleged that Hart, along with other members of the Joint Council 7 executive board, enthusiastically supported Aloise's scheme to retaliate against Hicks by threatening a charitable organization with financial harm.

According to the IIO's Report, the board of Instituto Laboral De La Raza, a non-profit serving the working poor, nominated Hicks on September 5, 2018 to receive its National Labor-Community Leadership Award for 2019. La Raza's executive director formally invited Hicks to receive the award by letter dated September 17, 2018. When Hicks canceled the pension meeting on September 18 because of Aloise's plan to attend it, Aloise orchestrated a campaign to have La Raza withdraw its honor of Hicks. On October 2, a Teamster official who also served as La Raza treasurer and board member spoke with the La Raza board member and retired

Teamster who had nominated Hicks, urging him to withdraw the nomination. The same day, the La Raza treasurer emailed the La Raza board insisting that the Hicks honor be withdrawn. On October 3, Aloise spoke with the retired Teamster who had nominated Hicks and immediately relayed his conversation to the La Raza treasurer. Aloise texted: "I told him I don't want the Instituto to get hurt, but given the actions of Hicks last week, the dinner won't get one penny from Teamsters in JC7 and I will make it my personal mission to kill other unions from participating and any other JC. I would suggest that [the La Raza president] pull the nomination and make whatever excuse he has to Hicks. He can use last week[']s actions to justify it." In the face of this threat to its annual fundraiser, the La Raza board voted October 4 to rescind Hicks's award. The executive director of the Instituto informed Hicks that the award was withdrawn because "we are concerned that we would be injecting our worker center into the midst of a controversy within an International Union." Aloise's threat of financial harm to La Raza should it bestow its honor on Hicks had the desired effect.

The IIO alleged that when Aloise informed Hart and the other members of the Joint Council 7 executive board that La Raza had withdrawn Hicks' honor, the news was met positively. Hart replied, "Campaign Material!;" another member added, "I love it."

## **False Testimony to the IDOs**

On February 14, 2020, the IIO recommended charges against Aloise for violating his suspension, as well as other offenses. After a *de novo* hearing in April 2021, the IRO found, inter alia, that "Mr. Aloise violated the Disciplinary Decision by directing, instructing, and attempting to influence Teamster officers and members on union matters, and presenting himself as a figure of authority, and thereby brought reproach upon the union, violated his membership oath, and interfered with the union's performance of its legal obligations, in violation of the IBT Constitution."

The IIO's February 28, 2023 report alleged that Hart gave false testimony in the 2021 *de novo* hearing, including:

- a. Hart falsely asserted that he was permitted under the suspension order to consult Aloise for "historical perspective" when he was not;
- b. Hart falsely asserted that his consultations and communications with Aloise during the period of suspension was limited to "historical perspective" when they were not;
- c. Hart falsely denied that Aloise was in control of and used his official Local Union 853 email address during the period of suspension when Hart knew the contrary was true; and

- d. Hart falsely denied that Aloise was not involved in the appointment of the business agent for the Levi's Stadium bargaining unit.

The IIO's report alleged that by permitting, empowering and enabling Aloise to exercise authority that the IRO's suspension order barred him from, Hart's actions and omissions during the period of Aloise's two-year suspension constituted a failure to cooperate with the independent disciplinary process required by the Final Order and the IBT constitution and thereby brought reproach upon the IBT and violated his oath as member and officer, as alleged in the First Charge. The IIO further alleged that by providing material evidence under oath in the Aloise investigation he knew to be false, and doing so for the purpose of misleading the IRO about the nature and extend of Aloise's misconduct, Hart failed to cooperate with the independent disciplinary process of the Final Order and the IBT constitution and thereby brought reproach upon the IBT and violated his oath as member and officer.

#### **Unauthorized Expenditures**

According to the IIO's report, the bylaws of Local Union 853 require that expenditures of local union funds in excess of \$10,000 be approved by the membership. Membership approval of such expenditures must be obtained before the expenditures are made.

The IIO alleged that on multiple occasions during which Hart was a member of the executive board of Local Union 853, whether as president or as secretary-treasurer, he permitted expenditures of union funds to be made without obtaining approval required by the bylaws. Examples include but are not limited to the following:

- a. Payment of severance equivalent to 10 months' pay and benefits to a former business agent without membership approval at any time
- b. Payment of severance equivalent to 6 months' pay and benefits to a former office clerical without membership approval at any time;
- c. Payment of \$25,000 to Alameda County Central Labor Council in 2018, in support of its "Unionist of the Year" event in honor of then-suspended Aloise, without membership approval at any time;
- d. Payment of \$15,000 to Alameda County Central Labor Council in 2021, without executive board or membership approval in advance of the expenditure; and
- e. Purchase of hooded sweatshirts and duck jackets, without membership approval.

The IIO alleged that general membership approval of these and other expenditures, given months or years after the dates the monies were expended, did not cure the bylaws violations, all of

which occurred while Hart was a member of the executive board. The IIO therefore alleged that Hart acted and permitted expenditures of Local Union 853 funds totaling hundreds of thousands of dollars to occur without advance approval of such expenditures by the local union executive board and/or the local union membership or without legitimate union purpose, and that such acts and omissions by HART violated the IBT constitution and local union bylaws, thereby bringing reproach upon the IBT and violating his oath as member and officer.

#### **Report to the General President**

On February 28, 2023, the IIO delivered his report of the foregoing allegations against Hart to General President Sean O'Brien. Pursuant to Paragraph 32 of the Final Order, the General President is required within 90 days of the IIO's referral (*i.e.*, by Monday, May 29, 2023) to file with the IRO written findings setting forth specific actions taken and the reason for such actions.

#### **IV. ONGOING INVESTIGATIONS**

The IIO is currently conducting a number of investigations throughout the country. The IIO has also received and processed approximately 38 additional calls reporting alleged improprieties during the time period of this report.

The IDOs do not comment on ongoing investigations or identify areas or conduct under investigation until a formal recommendation of charges is served upon the IBT pursuant to the Final Order.

#### **V. TOLL-FREE HOTLINE**

Activities which should be reported for investigation include, but are not limited to, association with organized crime, corruption, racketeering, embezzlement, extortion, assault, or failure to investigate any of these.

To ensure that all calls are treated confidentially, the system which records hotline calls is located in a secure area on a dedicated line accessed only by an Investigator. Please continue to use the toll-free hotline to report improprieties that fall within IIO jurisdiction by calling 1-800-CALL-472 (800-225-5472).

#### **VI. CONCLUSION**

The task of the IDO is to ensure that the goals of the Final Agreement and Order are fulfilled. In doing so, it is our desire to keep the IBT membership fully informed about our activities through these reports. If you have any information concerning allegations of wrongdoing or corruption, you may call the toll-free hotline number, or write to the Independent Investigations Officer Robert D. Luskin at:

Office of the Independent Investigations Officer  
1515 N. Courthouse Rd, Suite 330  
Arlington, VA 22201