

**OFFICE OF THE ELECTION ADMINISTRATOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

IN RE: CRAIG KARNIA,)	Protest Decision 2000 EAD 20
)	Issued: September 15, 2000
Protestor.)	OEA Case No. PR081402MW
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)	
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Craig Karnia, a member of Local 705, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2000-2001 IBT International Union Delegate and Officer Election (“*Rules*”) against Yellow Freight Corporation (“YFC”). The protester alleges that on August 11, 2000, YFC improperly prevented Karnia and other IBT members from gathering accreditation petition signatures on behalf of the Tom Leedham Slate from Local 705 and 710 members in the parking lot at its facility at 103rd Street and Harlem Avenue in Chicago Ridge, Illinois. Karnia alleges that YFC’s conduct violates Article VII, Section 11(e) of the *Rules*.

Election Administrator representative Dennis M. Sarsany investigated the protest.

Findings of Fact

Karnia and other Leedham supporters were soliciting petition signatures in the employee parking lot at YFC’s Chicago Ridge terminal facility on August 11, 2000, when Ron Galason, the terminal’s office manager demanded that they leave YFC property. Karnia responded that they had a right to campaign in the YFC parking lot and produced a copy of the 1996 Advisory on Limited Right of Access to Employer Premises issued by the Election Officer. Galason continued to demand their departure, and said that he was responding to comments from YFC employees who supported opposing candidates.

Later that day, Karnia was advised that YFC had rescinded the position enunciated by Galason, and that he and the other Leedham campaigners would be allowed to collect signatures in the YFC parking lot, so long as they stayed within the boundaries of the designated motorcycle parking areas located near the guard shacks in each of the parking lots designated for the three categories of YFC IBT employees (road drivers, city drivers and terminal dock workers). Karnia stated that a business agent for either Local 705 or Local 710 passed the information to him.

Karnia admits that the designated areas in the parking lots used by YFC road drivers and city drivers are satisfactory places to solicit support. He argues, however,

Karnia, 2000 EAD 20
September 15, 2000

that it is difficult to conduct meaningful campaign activity in the designated location in the dock worker's parking lot.

Mike Marasovich is a Local 705 business agent assigned to the YFC Chicago Ridge terminal. Marasovich confirmed that YFC advised him that it had rescinded Galason's position and had agreed to allow IBT campaign activity in the motorcycle parking areas of its Chicago Ridge employee parking lots. Marasovich also stated that he passed this information to the group of Leedham supporters outside the terminal. Finally, Marasovich stated his belief that these areas were the designated campaigning areas in the 1996 IBT general officer election and the 1998 rerun election.

Ron Brown is YFC's Chicago Ridge terminal manager. According to Brown, Galason incorrectly believed that YFC's policy was that campaigning was not allowed in any portion of the terminal premises, and that he therefore ordered Karnia and the other Leedham campaigners to leave YFC property on August 11, 2000, and restrict their activities to public property. Brown stated that the confrontation was immediately brought to his attention and, as a result, he met with Galason that day and advised him that the company's policy was to allow IBT members to conduct campaign activities in employee parking lots. Brown stated that, in order to control the activity and keep it safe, YFC had designated the motorcycle parking areas in each YFC parking lot as open to campaign activity.

Following his meeting with Galason, Brown advised business agents for IBT Local 705 and Local 710 of the correct company policy governing the conduct of political activity, and identified the specified areas of the terminal's employee parking lots where it could occur. He requested them to pass on the information to IBT members employed at the terminal, which they did. Karnia and his cohort received the same information.

During the early stages of the delegate elections held in 1990-91 and 1995-96, YFC had refused to allow campaigning on its Chicago Ridge terminal property. Because of protests filed with the Election Officer, YFC relaxed its prohibitions. Galason's actions on August 11, 2000 reflected the old policy, while Brown's were in accordance with the new. Based on our investigation, we conclude that Galason's actions were taken in error. Once identified, Galason's superior Brown took swift and appropriate remedial action.

Our investigator visited the YFC facility. He determined that the motorcycle areas in all three parking lots designated for campaign activity are proximate to the guard shacks and plant entrances and sufficient for the meaningful conduct of such activity among employees coming to and leaving the facility. Moreover, it is clear that YFC management designated these areas for campaign activity due to legitimate concerns for safety.

Karnia nonetheless argues that the area set aside in one of the lots, an "L"-shaped lot running along the south side of 103rd St. and the east side of Harlem Avenue, is

Karnia, 2000 EAD 20
September 15, 2000

insufficient as it is too far from the employee entrance to allow for campaigning. We reject this contention. The designated campaign area is directly across the automobile aisle from the guard shack and pedestrian entrance into the terminal. The aisle is no more than fifteen feet across and affords clear access to employees who must use the aisle to walk from their cars to the terminal entrance.

Because YFC acted swiftly to correct an error by a member of management concerning the access rights of IBT members at its Chicago Ridge facility employee parking lots, and because its actions as summarized above are consistent with the requirements of Article VII, Section 11(e) of the *Rules*, we conclude that this protest is without merit.

Based upon the foregoing, the protest is DENIED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Administrator in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
Suite 1000
885 Third Avenue
New York, New York 10022
Fax: 212-751-4864

Copies of the request for hearing must be served upon all other parties, as well as upon the Election Administrator for the International Brotherhood of Teamsters, c/o International Brotherhood of Teamsters, 25 Louisiana Ave., NW, Washington, DC 20001, all within the time period prescribed above. A copy of the protest must accompany the request for hearing.

William A. Wertheimer, Jr.

William A. Wertheimer, Jr.
Election Administrator

cc: Kenneth Conboy
Dennis M. Sarsany
2000EAD20

Karnia, 2000 EAD 20
September 15, 2000

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Patrick Szymanski
IBT General Counsel
25 Louisiana Ave. NW
Washington DC 20001

Yellow Freight Corporation
10301 South Harlem Avenue
Chicago Ridge, IL 60465

Bradley T. Raymond
Finkel, Whitefield, Selik,
Raymond, Ferrara & Feldman
32300 Northwestern Highway
Suite 200
Farmington Hills, MI 48334

Craig Karnia
11108 South Deerpath
Palos Hills, IL 60465

J. Douglas Korney
Korney & Heldt
30700 Telegraph Rd.
Suite 1551
Bingham Farms, MI 48025

Tom Leedham
18763 South Highway 211
Molalla OR 97038

Barbara Harvey
Penobscot Building
Suite 1800
645 Griswold
Detroit, MI 48226

Betty Grdina
Yablonski, Both & Edelman
Suite 800
1140 Connecticut Ave. NW
Washington, D.C. 20036

Teamsters Local 705
1645 W. Jackson Blvd.
Chicago, IL 60612

Teamsters Local 710
4217 S. Halsted St.
Chicago, IL 60609