

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

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| TOM LEEDHAM RANK AND FILE |) | Protest Decision 2001 EAD 412 |
| POWER SLATE, |) | Issued: July 24, 2001 |
| |) | OEA Case No. PR071611AT |
| Protestor. |) | |
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The Tom Leedham Rank and File Power slate (the “Leedham slate”) 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*”). It alleges that employer Aluminum Shape violated Article VII, Section 11(e) of the *Rules* by denying IBT members access to an employee parking lot for the purpose of campaigning among IBT members for the International officer election.

Election Administrator representative J. Griffin Morgan investigated the protest.

The protest names Director of Security Charles Kern as the employer representative that ordered the campaigners to leave the employee parking lot and called the police in order to have the campaigners removed. Leith Kaplan, General Counsel for Aluminum Shape, responded to the protest and stated that although the police were called the campaigners were not removed. Kaplan stated that the entrance to the employee parking lot was across a driveway from where the employees entered the work place. The employer’s concern was that when the campaigners passed out literature immediately inside the entrance to the employee parking lot, it caused a human traffic jam to backup into the driveway where trucks were exiting and entering, creating a safety problem. Kaplan agreed that Aluminum Shape would abide by the Election Administrator’s Advisory on Limited Rights of Access to Employer Premises and that IBT members campaigning in the 2000-2001 IBT election would be allowed access to the employee parking lot, with the proviso that, during the rush of shift change, they must campaign far enough away from the immediate entrance so as to avoid the creation of a safety hazard in the driveway immediately adjacent to the entrance to the employee parking lot.

The Leedham slate agrees that the protest can be considered resolved, despite any unresolved issues regarding the facts, so long as Aluminum Shape agrees that IBT members can campaign within the employee parking lots, consistent with the Election Administrator’s Advisory and the normal rules regarding safety concerns. Aluminum Shape’s commitment meets that condition.

Based on the foregoing, this protest is deemed RESOLVED.

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

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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, 727 15th Street NW, Tenth Floor, Washington, DC 20005, 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
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