

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

<b>IN RE: JOHN RIVERA,</b>	)	Protest Decision 2001 EAD 454
	)	Issued: September 18, 2001
	)	OEA Case No. PR083111ME
<b>Protestor.</b>	)	
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John Rivera, a member of Local Union 407, 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 steward Tom Michaels of that local alleging that Michaels removed and defaced Hoffa 2001 Unity slate (“Hoffa slate”) campaign literature from a bulletin board at Yellow Freight’s Richfield, Ohio facility.

Election Administrator representative Lois Tuttle investigated the protest.

**Findings of Fact and Analysis**

We deem this protest RESOLVED. Local 407 has agreed to divide the bottom portion of the subject bulletin board into halves, reserving one half each for the posting of Hoffa slate and Tom Leedham Rank and File Power slate literature. Previously there had been incidents where members have removed campaign literature for one slate that they believed covered campaign literature for the other. The practice adopted by the local will prevent any such occurrences.

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, 727 15<sup>th</sup> Street NW, Tenth Floor, Washington, DC 20005 (facsimile: 202-454-1501), all within

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the time 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  
*2001 EAD 454*

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