

IN RE STEFAN OSTRACH

00 Elec. App. 015 (KC)

This matter is an appeal from the Election Administrator's decision, dated December 6, 2000 and December 12, 2000, Office of the Election Administrator Case No. PR110601WE. The request for a hearing was filed by Stefan A. Ostrach, a member of Local 206 and Rome A. Aloise, secretary-treasurer of Local 853.

A hearing was held before me on January 5, 2001. The following persons were heard by way of teleconference: Jeffrey Ellison, Esq. for the Election Administrator's Office; Patrick Szymanski, Esq., General Counsel for the International Brotherhood of Teamsters; Bradley T. Raymond, Esq. of Finkel, Whitefield, Selik, Raymond, Ferrara & Feldman on behalf of the International Brotherhood of Teamsters; Betty Grdina, Esq. of Yablonski, Both & Edelman on behalf of the Tom Leedham Campaign; Barbara Harvey, Esq. on behalf of Teamsters for a Democratic Union; Rome A. Aloise, secretary-treasurer of Local 853 and Stefan Ostrach, a member of Local 206

The protest in this case raises one of the most serious allegations that can be made under the Rules for the 2000-2001 IBT International Union Delegate and Officer Election ("Rules"). Rome Aloise, secretary-treasurer of Local 853 is accused of telling Howard Rempfer, secretary-treasurer of Local 439, a supporter of and candidate with Tom Leedham for International office that he, Aloise, would not support Rempfer's plea for strike assistance, as long as Rempfer remained on Leedham's ticket.

This statement, according to the Election Administrator's decision, was made in the presence of from 5 to 15 union officials from various IBT units assembled to hear Rempfer's appeal for assistance and solidarity in connection with the strike. To emphasize his point, Aloise walked out of the meeting, followed by several other Union officials.

Aloise has interposed a defense that admits the substance of the hostile statements attributed to him but denies a political motivation. In substance, he claims what he meant to say is that you can't run a major strike and campaign for elective union office at the same time.

The Election Administrator has convincingly demonstrated, through three principle witnesses, that the motivation behind the words was coercive and political. I endorse this finding without hesitation. Only because Aloise did not in fact carry out his threat, and indeed, mobilized his local behind Rempfer's strike efforts is a more draconian penalty not appropriate.

Accordingly, the violation as found is sustained, and the remedy selected is affirmed.

\_\_\_\_s/Kenneth Conboy\_\_\_\_\_  
Kenneth Conboy  
Election Appeals Master

Dated: January 19, 2001