

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: DAN CAMPBELL, Protestor. <hr/>))))))	Protest Decision 2006 ESD 72 Issued: February 7, 2006 OES Case No. P-06-077-011906-MW
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Dan Campbell, a member of Local Union 200, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2005-2006 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that Tom Millonzi, an employee of Joint Council 39, campaigned for the Teamsters4Teamsters slate in the local union’s delegate election on time paid for by the union in violation of the *Rules*.

Election Supervisor representative Joe Childers investigated this protest.

Findings of Fact

The protest alleged that on January 18, 2006, Millonzi campaigned in the employee parking lot of Chem Central, a Teamster employer. Millonzi is a candidate for delegate.

Millonzi confirmed that he campaigned that day at Chem Central but stated that he took vacation time to do so. The timekeeper at the joint council confirmed that Millonzi was paid for January 18 with vacation time.

Analysis

Article VII, Section 12(b)¹ of the *Rules* provides the following, in relevant part:

All Union officers and employees, if members, retain the right to participate in campaign activities, including the right to run for office, openly to support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions. However, such campaigning must not involve the expenditure of Union funds. Accordingly, officers and employees (and other members) of the Union may not campaign on time that is paid for by the Union. Campaigning incidental to regular Union business is not, however, violative of this section. Further, campaigning during paid vacation, paid lunch hours or breaks, or similar paid time off is also not violative of this section.

This provision has been applied to permit campaigning by union officers and employees on break time (*Caraballo*, P653 (April 3, 1996)), sick leave, where banked sick time is used in lieu of banked vacation time (*Sullivan*, 2001 EAD 474 (September 27, 2001)), a scheduled day off (*Ellison*, 2001 EAD 214 (March 6, 2001)), and paid vacation time (*Kleckner*, 2001 EAD 262 (March 26, 2001); *Bennett*, 2006 ESD 70 (February 7, 2006)).

We find that Millonzi campaigned on January 18, 2006 while on paid vacation time and, accordingly, DENY this protest.

¹ So in the final *Rules*; previously codified at Article VII, Section 11(a) in the proposed *Rules*.

Campbell, 2006 ESD 72
February 7, 2006

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 Supervisor 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 the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1725 K Street, N.W., Suite 1400, Washington, D.C. 20007-5135, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
2006 ESD 72

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