

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

<b>IN RE: PHIL MEYER,</b>	)	Protest Decision 2006 ESD 385
	)	Issued: October 25, 2006
<b>Protestor.</b>	)	OES Case No. P-06-356-101806-HQ
_____	)	

Phil Meyer, a member of Local Union 305, 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 Local Union 305 officers Tony Andrews, Steve Pickle, and Jim Fox campaigned while on paid union time using literature produced and copied on paid union time and with local union resources, in violation of the *Rules*.

Election Supervisor representative Steven Newmark investigated this protest.

**Findings of Fact**

Andrews, Pickle, and Fox handed out campaign literature supporting the Hoffa 2006 slate at the Albertson’s warehouse in Portland, Oregon on the afternoon of October 17, 2006. Meyer alleged that the literature was signed by Andrews as local union secretary-treasurer and was produced and photocopied on union time and using local union resources.

Investigation showed that the flyer was signed by “Tony Andrews, Local 305 Member.” The flyer made no reference to Andrews’ position as secretary-treasurer of the local union and the literature was not reproduced on union letterhead.

Andrews told our investigator he composed the original flyer at his residence on Sunday, October 15, and Fox photocopied it at his residence using his own photocopier and paper before the start of his workday on Monday, October 16. Investigation did not produce any local union employee or other witness who observed the flyers being copied at the local union.

Investigation also revealed that the three campaigners submitted written requests for vacation time for October 17 and were credited with vacation time for that date.

**Analysis**

Article VII, Section 12(a) of the *Rules* prohibits members from campaigning during working hours. The provision emphasizes that “campaigning during paid vacation, paid lunch hours or breaks, or similar paid time off is also not violative of this section.”

Article VII, Section 12(c) bars use of union resources, including equipment and stationery, to support a candidate.

We find the campaigners here used vacation time to campaign. We further find that the flyers were not produced on union-paid time or using union resources. Finally, Andrews’ endorsement for the Hoffa campaign was expressly in his capacity as a local union member, and was not an expression of endorsement by the local union.

Accordingly, we DENY the protest.

*Meyer*, 2006 ESD 385

October 25, 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  
885 Third Avenue, Suite 1000  
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. 20006-1416, 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 385

*Meyer*, 2006 ESD 385

October 25, 2006

**DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):**

Bradley T. Raymond, General Counsel  
International Brotherhood of Teamsters  
25 Louisiana Avenue, NW  
Washington, DC 20001-2198  
[braymond@teamster.org](mailto:braymond@teamster.org)

David J. Hoffa  
Hoffa 2006  
30300 Northwestern Highway, Suite 324  
Farmington Hills, MI 48834  
[David@hoffapllc.com](mailto:David@hoffapllc.com)

Barbara Harvey  
645 Griswold Street  
Suite 3060  
Detroit, MI 48226  
[blmharvey@sbcglobal.net](mailto:blmharvey@sbcglobal.net)

Ken Paff  
Teamsters for a Democratic Union  
P.O. Box 10128  
Detroit, MI 48210  
[ken@tdu.org](mailto:ken@tdu.org)

Daniel E. Clifton  
Lewis, Clifton & Nikolaidis, P.C.  
275 Seventh Avenue, Suite 2300  
New York, NY 10001  
[dclifton@lcnlaw.com](mailto:dclifton@lcnlaw.com)

Stefan Ostrach  
1863 Pioneer Parkway East, #217  
Springfield, OR 97477-3907  
[saostrach@gmail.com](mailto:saostrach@gmail.com)

Phil Meyer  
6950 SE Pierce Street  
Milwaukie, OR 97222  
[Philip.meyer@comcast.net](mailto:Philip.meyer@comcast.net)

Tony Andrews, Secretary-Treasurer  
IBT Local Union 305  
1870 NE 162<sup>nd</sup> Avenue  
Portland, OR 97230

Steve Pickle, Business Agent  
IBT Local Union 305  
1870 NE 162<sup>nd</sup> Avenue  
Portland, OR 97230

Jim Fox, Business Agent  
IBT Local Union 305  
1870 NE 162<sup>nd</sup> Avenue  
Portland, OR 97230

Steven R. Newmark  
Office of the Election Supervisor  
1725 K Street, NW, Suite 1400  
Washington, DC 20006  
[snewmark@ibtvote.org](mailto:snewmark@ibtvote.org)

Jeffrey Ellison  
510 Highland Avenue, #325  
Milford, MI 48381  
[EllisonEsq@aol.com](mailto:EllisonEsq@aol.com)