

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

<b>IN RE: JOHN COLLINS,</b>	)	Protest Decision 2011 ESD 115
	)	Issued: February 17, 2011
<b>Protestor.</b>	)	OES Case No. P-127-021011-AT
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John Collins, member of Local Union 509 and candidate for delegate on the 509 Working Members Delegate Team, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2010-2011 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that the nominations meeting results were not posted on all local union bulletin boards as required by the *Rules*.

Election Supervisor representative Maureen Geraghty investigated this protest.

**Findings of Fact and Analysis**

Local Union 509 held its nominations meeting on January 15, 2011. Article II, Section 6(a) of the *Rules* requires that “[a]s soon as possible but in no event later than five (5) days following the nomination meeting(s), the Local Union Secretary-Treasurer shall post on all Union bulletin boards a list of all nominated candidates, by name (and by slate affiliation, if known at the time).” The local union maintains 75 worksite bulletin boards across its statewide jurisdiction in South Carolina. The protest alleged that eight boards at UPS locations in Columbia, Spartanburg, Greenville and Gaffney did not contain the required posting.

Investigation showed that following the nominations meeting, secretary-treasurer Powell Caldwell mailed the notice of nominations meeting results to stewards, directing them to post the notice on their worksite bulletin boards. He further instructed stewards to send him a return letter certifying they had posted the notice. The vast majority of stewards submitted the return certification. The protest was filed as Caldwell was following up with those stewards from whom he had not received certification.

Investigation further showed that for the eight UPS boards in question, one steward stated he never received the posting; others stated they intended to post the notice but had not yet done so; still others stated they had posted the notice and submitted the certification and speculated that the notice had subsequently been removed without authorization; and two of the bulletin boards were locked, glass-enclosed boards to which the stewards did not have keys.

Protestor Collins filed his protest after business hours on Thursday, February 10, 2011. By Monday morning, February 14, local union representatives inspected all the bulletin boards at issue; where the nominations meeting results were not yet or no longer posted, the representatives posted or reposted the notice.

The facts demonstrate that secretary-treasurer Caldwell made a diligent effort to insure that the nominations meeting results were posted on all the bulletin boards once he became aware that

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some UPS boards did not contain the posting. Our investigation reveals that the bulletin boards missing the posting now contain it. Accordingly, we deem this protest 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 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, NY 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, 1801 K Street, N.W., Suite 421 L, Washington, D.C. 20006, 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  
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