

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

IN RE: DIANE SIEGFRIED,) Protest Decision 2011 ESD 196
) Issued: March 30, 2011
Protestor.) OES Case No. P-145-021611-FW
_____)

Diane Siegfried, member of Local Union 174 and candidate for delegate on the Members United slate, 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 she was the subject of coercion to withdraw her delegate candidacy.

Election Supervisor representative Rochelle Goffe investigated this protest.

Findings of Fact

Local Union 174 elected nine delegates and six alternate delegates to the IBT convention. Ballots were mailed on February 3 and counted on February 25. All candidates on the slate led by local union principal officer Rick Hicks were elected.

Protestor Siegfried was a delegate candidate on the Members United slate. She is employed at the UPS Redmond hub. On Friday, February 4 when she went to her car in the employee parking lot at the end of her shift, she found a flyer for her slate under her car’s windshield wiper. The flyer contained her photo and those of the other members of her slate. Her photo was circled; handwritten next to her photo was the sentence, “You would be better off withdrawing your name.”

Siegfried does not know who placed the flyer on her car. She also does not know how the perpetrator could have known which car in the parking lot was hers, as she had just rented that car a couple days before.

According to Siegfried, several campaigners supporting the Hicks slate were in the parking lot that day as she left work and went to her car. One of them, a person unknown to Siegfried, handed her a flyer. Siegfried responded, “No, I’m Members United.” The leafleter replied, “Oh, you’re the one who can’t make a decision.” Siegfried replied, “Are we going to run this election like high school?” She then continued to her car.

Our investigator interviewed three Hicks slate supporters who campaigned that day. Bill Byington, a local union business agent, campaigned at UPS Redmond on February 4. He denied knowing what car Siegfried drove and denied placing anything on her car.

Carl Gasca, another business agent, said he did not know Siegfried by sight but had a conversation with a woman he later determined was her. He said he handed her a flyer, she told him she was Members United, and he replied, “Oh, you can’t make up your mind.” He said his comment was a reference to her support for Hicks in the local union officers election and her opposition to him in the delegates election. Gasca denied putting anything on her car, seeing anyone else do it, and knowing what car she drove.

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Scott Curley, a UPS employee, was a delegate candidate on Hicks' slate. He campaigned at UPS Redmond on February 4. He told our investigator that he knows Siegfried by sight and saw her that day. He said that she and Gasca had an exchange that he did not overhear. He denied putting anything on her car, seeing anyone else do it, and knowing what vehicle she drove.

Curley said a fourth campaigner, Jason Long, left around 8:15 that morning, before Siegfried walked to her car. Long was not interviewed.

Analysis

Article VII, Section 12(g) prohibits retaliation for *Rules*-protected activity. Siegfried's candidacy is protected by Article VII, Section 12(a), which gave her the right to participate in campaign activities and to run for office.

However, our investigation failed to identify the perpetrator of the threat. Further, we note that the threat did not cause Siegfried to stand down from her candidacy.

Accordingly, we DENY this protest for insufficient evidence.

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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DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):

Bradley T. Raymond, General Counsel
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, D.C. 20001
braymond@teamster.org

David J. Hoffa
Hoffa Hall 2011
1100 Connecticut Avenue, N.W., Ste. 730
Washington, D.C. 20036
hoffadav@hotmail.com

Ken Paff
Teamsters for a Democratic Union
P.O. Box 10128
Detroit, MI 48210-0128
ken@tdu.org

Barbara Harvey
1394 E. Jefferson Avenue
Detroit, MI 48207
blmharvey@sbcglobal.net

Fred Gegare
P.O. Box 9663
Green Bay, WI 54308-9663
kirchmanb@yahoo.com

Scott D. Soldon
3541 N. Summit Avenue
Shorewood, WI 53211
scottsoldon@gmail.com

Fred Zuckerman, President
Teamsters Local Union 89
3813 Taylor Blvd.
Louisville, KY 40215
fredzuckerman@aol.com

Robert M. Colone, Esq.
P.O. Box 272
Sellersburg, IN 47172-0272
rmcolone@hotmail.com

Carl Biers
Box 424, 315 Flatbush Avenue
Brooklyn, NY 11217
info@SandyPope2011.org

Julian Gonzalez
Lewis, Clifton & Nikolaidis, P.C.
350 Seventh Avenue, Suite 1800
New York, NY 10001-5013
jgonzalez@lcnlaw.com

Diane Siegfried
509 NE 165th Street
Shoreline, WA 98155
ziggy-75@hotmail.com

Michael Waine
475 SE Evans Lane
Issaquah, WA 98027
trashdude@hotmail.com

Rick Hicks, Secretary-Treasurer
Teamsters Local Union 174
14675 Interurban Ave. So., #303
Tukwilla, WA 98168
rhicks@teamsterslocal174.org

Rochelle Goffe
1234 22nd Avenue, E
Seattle, WA 98112
rochellegoffe@gmail.com

Christine Mrak
2357 Hobart Avenue, SW
Seattle, WA 98116
chrismrak@gmail.com

Kathryn Naylor
Office of the Election Supervisor
1801 K Street, N.W., Suite 421 L
Washington, D.C. 20006
knaylor@ibtvote.org

Jeffrey Ellison
214 S. Main Street, Ste. 210
Ann Arbor, MI 48104
EllisonEsq@aol.com