

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

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| IN RE: MARLON BURLOCK, |) | Protest Decision 2011 ESD 251 |
| |) | Issued: May 8, 2011 |
| Protestor. |) | OES Case No. P-261-042211-MW |
| <hr/> |) | |

Marlon Burlock, member of Local Union 700, 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 supporters of the Logan slate placed campaign stickers on City of Chicago property, in violation of a city ordinance, near worksites where Local Union 700 members work. The protest also alleged that the stickers contained impermissible content, in violation of the *Rules*.

Election Supervisor representative Joe Childers investigated this protest.

Findings of Fact and Analysis

Local Union 700 mailed ballots on April 15, 2011 and counted them on May 2. The protest filed April 20 included photographs of Logan slate stickers posted on poles and fencing adjacent to city worksites where local union members were employed. The stickers included the name LOGAN, in capital letters. Substituted for the letter “O” in Logan was the Teamsters horses-and-wheel logo. In addition, the words “Teamsters Local 700” appeared beneath “Logan.” We find no *Rules* violation with the content of the stickers. The use of the IBT logo in campaign literature is permitted by Article XI, Section 1(b)(6) of the *Rules*. May, 2011 ESD 145 (March 2, 2011). Further, merely identifying on a campaign sticker the local union in which the slate is competing does not convey an impermissible endorsement by that union.

Posting campaign stickers on employer property violates Article XI, Section 1(a)(2), which prohibits a candidate from receiving campaign assistance from an employer. Moreover, affixing difficult-to-remove adhesive stickers to smooth surfaces such as metal fence posts constitutes vandalism. *Black*, 2001 EAD 338 (May 1, 2001). Accordingly, our investigator directed the Logan slate to remove the stickers from city-owned property and to file an affidavit that verified that the stickers had been removed. An affidavit demonstrating substantial compliance with this directive was received on Tuesday, April 26.

Although this protest was filed pre-election, we consider it in a post-election context pursuant to Article XIII, Section 2(f)(2). All Logan slate candidates for delegate were elected, garnering more than 85% of all votes cast. The margin between the winning candidate with the fewest votes (2,150 votes) and the losing candidate with the most votes (592 votes) was 1,559 votes. On this margin, we find that the brief period during which Logan slate stickers were impermissibly posted on City of Chicago property did not affect the outcome of the election.

Accordingly, we DENY the protest.

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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
2011 ESD 251

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