

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: BROOKE REEVES &)	Protest Decision 2015 ESD 13
TEAMSTERS UNITED,)	Issued: July 22, 2015
)	OES Case No. P-015-071415-NE
Protestors.)	
<hr/>		

Brooke Reeves and Teamsters United filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2015-2016 IBT International Union Delegate and Officer Election (“Rules”). The protest alleged that Kelly McNally and Jim Donovan¹ solicited accreditation signatures in locations not permitted by the *Rules*.

Election Supervisor representative Peter Marks investigated this protest.

Findings of Fact and Analysis

Article X of the *Rules* permits candidates and slates of candidates for International office to seek accredited status by which they may publish campaign material in *Teamster* magazine and obtain a union-wide membership list to be used to advance their candidacies for International office. To obtain accredited status, each such candidate or slate must obtain signatures on petitions of at least 2.5% of the membership of the union-wide or regional membership pool applicable to the office sought.

The protest alleged that McNally, an employee of Rhode Island Hospital and member of Local Union 251, and Donovan, an employee and member of Local Union 25, solicited accreditation signatures for Hoffa-Hall 2016 in the cafeteria at the hospital, a location said to be open only to hospital employees and not to non-employees such as Donovan. The protest further alleged that McNally solicited signatures in the emergency department of the hospital, which the protest asserts is a work area.

Investigation showed that the cafeteria at issue is the same cafeteria where protestor Reeves solicited signatures on petitions for protestor Teamsters United in [Hoffa-Hall 2016](#), 2015 ESD 6 (July 7, 2015). McNally told our investigator that on July 13, an off day for her, she circulated petitions for Hoffa-Hall 2016 in the cafeteria, which she stated is open to the public. She said she requested that Donovan accompany her, and he did, but denied that he solicited signatures himself. Donovan told our investigator that he requested and was granted the day off by Local Union 25 and was therefore off-duty while at the hospital. While there, however, he said he did not circulate petitions himself because of his understanding of the hospital’s no-solicitation rules; instead, he merely accompanied McNally in the cafeteria while she solicited signatures. Protestor Reeves and two witnesses supplied by the protestors corroborated the evidence McNally and Donovan provided. All said they observed McNally soliciting signatures, accompanied by a man they did not know. None said they observed the man soliciting signatures himself.

Matt Taibi, principal officer of Local Union 251, told our investigator that as a delegate candidate in 2011 he attempted to campaign in the hospital cafeteria. He said he was asked to leave the premises because he was not a hospital employee.

¹ Misidentified in the protest as “Jim Donahue.”

July 22, 2015

With respect to the protest's allegation that McNally solicited signatures in the hospital's emergency department,² McNally denied doing so, stating that she walked down the hall past the department as she left the hospital for an appointment but did not solicit there. One witness presented by the protestors spoke to this allegation; that witness saw McNally walk down the hall but not enter the emergency department.

On the facts presented, McNally, a hospital employee, campaigned in the cafeteria, a non-work area, on non-work time. This conduct is in pertinent respects similar to what Reeves did in *Hoffa-Hall 2016, supra*, and is generally permitted by the *Rules*.³ We need not decide whether Donovan as a non-employee had the right to solicit in the cafeteria because the evidence shows that he did not do so. Finally, the only evidence presented with respect to McNally's alleged solicitation in the emergency department shows that it did not occur.

For these reasons, we DENY this protest.

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:

Kathleen A. Roberts
Election Appeals Master
JAMS
620 Eighth Avenue, 34th floor
New York, NY 10018
kroberts@jamsadr.com

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, 1050 17th Street, N.W., Suite 375, Washington, D.C. 20036, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kathleen A. Roberts
2015 ESD 13

² The protest made this allegation "on information and belief."

³ In *Hoffa-Hall 2016*, we found that Reeves violated the *Rules* only with respect to soliciting accreditation signatures from a steward and grievant who were engaged in a grievance prep meeting. The balance of Reeves' activity was permitted by the *Rules*.

Reeves and Teamsters United, 2015 ESD 13
July 22, 2015

DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):

Bradley T. Raymond, General Counsel
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001
braymond@teamster.org

David J. Hoffa
1701 K Street NW, Ste 350
Washington DC 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

Teamsters United
315 Flatbush Avenue, #501
Brooklyn, NY 11217
info@teamstersunited.org

Louie Nikolaidis
350 West 31st Street, Suite 40
New York, NY 10001
lnikolaidis@lcnlaw.com

Julian Gonzalez
350 West 31st Street, Suite 40
New York, NY 10001
jgonzalez@lcnlaw.com

David O'Brien Suetholz
515 Park Avenue
Louisville, KY 45202
dave@unionsidelawyers.com

Fred Zuckerman
P.O. Box 9493
Louisville, KY 40209
fredzuckerman@aol.com

Brooke Reeves
brookeellenr@gmail.com

Kelly McNally
Kmcnalls2007@yahoo.com

Jim Donovan
jdonovan@teamsterslocal25.com

Teamsters Local Union 251
121 Brightridge Avenue
East Providence, RI 02914
mtaibi.ibt251@gmail.com

Peter Marks
116 Nagle Street
Harrisburg, PA 17104
pmarks@ibtvote.org

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