

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: FRED ZUCKERMAN,)	Protest Decision 2015 ESD 38
)	Issued: October 13, 2015
Protestor.)	OES Case No. P-057-092815-NA
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Fred Zuckerman, member and principal officer of Local Union 89 and candidate for International office on the Teamsters United slate, 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 Cassens Transport violated the *Rules* by barring campaign activity in parking lots where Teamster members park their vehicles.

Election Supervisor representative Chris Mrak investigated this protest.

Findings of Fact and Analysis

The *Rules* grant members and candidates the limited right to campaign on employer parking lots where members park their vehicles. Article VII, Section 12(e).

On August 31, 2015, Cassens Transport vice president for labor relations Steven Gross distributed a memo to all management and supervisory personnel concerning the employer’s “prohibition of unauthorized personnel on company property.” The memo stated that only those “groups or individuals scheduled or invited onto Company property for the express purpose of conducting business directly with a member or members of Company management are to be allowed on said property.” The memo stated further that unauthorized individuals or groups were not allowed to meet or congregate for any reason on employer property and were to be removed immediately, by law enforcement if necessary.

Protestor Zuckerman emailed Gross on September 1, 2015 to advise him of his intent to campaign and to request that the memo barring access be clarified to permit the campaign right granted by the *Rules*. After exchange between the two individuals where Gross promised to get back to Zuckerman but did not, Zuckerman filed this protest.

After some effort, our investigator reached Gross, who acknowledged the campaign right under the *Rules* as well as the Court order adopting the *Rules*. He thereafter amended his August 31, 2015 memo to explain the parking lot campaign right to Cassens supervisory and management officials, quoting central portions the *Rules* provision and advising that access to persons permitted by the *Rules* is “legally available.” The memo instructed that members seeking to campaign in accordance with the *Rules* provision be “direct[ed] ... to the appropriate parking lot area or areas upon their arrival at the terminal.”

On this basis, 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

Zuckerman, 2015 ESD 38
October 13, 2015

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 38

Zuckerman, 2015 ESD 38
October 13, 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

Cassens Transport
525 Mae Court
Fenton, MO 63026
gross@cassens.com

Mary Ann Campbell
13853 State Road E
Desoto, MO 63020
mcampbell@ibtvote.org

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

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