

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

**IN RE: MICHAEL BENNETT,**                    )  
  )  
  )  
**Protestor.**                                    )  
  )  
\_\_\_\_\_)

Protest Decision 2016 ESD 204  
Issued: May 6, 2016  
OES Case No. P-181-022116-MW

Michael Bennett 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 the Moving Forward slate accepted an impermissible employer contribution by distributing a campaign flyer that depicted some of its slate members in employer-provided uniforms or vehicles.

Election Supervisor representative Joe Childers investigated this protest.

**Findings of Fact and Analysis**

Local Union 705 is entitled to elect seventeen delegates and six alternate delegates. Protestor Bennett was a delegate candidate on the US Teamsters Dump Hoffa slate. His protest alleged that five members of the Moving Forward slate were depicted in campaign literature wearing UPS uniforms, with two of these also depicted in UPS vehicles. Bennett asserted that the use of such photos constituted an impermissible employer contribution to the candidates on the Moving Forward slate.

Article XI, Section 1(b)(2) prohibits employer contributions to candidates. However, we have held that photos used in campaign literature that depict members in their work uniforms do not constitute employer contributions. *Ostrach & Hoffa-Keegel 2006*, 2006 ESD 304 (June 24, 2006) (protest denied where “literature depicts people as Teamster members working in or around equipment used in their jobs, or wearing work uniforms. The Rules do not prohibit showing members in campaign literature in real – or even staged – work settings.”). Accord: *Laszlo*, 2011 ESD 87 (Jan. 27, 2011).

For this reason, 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, 34<sup>th</sup> 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 17<sup>th</sup> Street, N.W., Suite 375,

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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  
*2016 ESD 204*

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