

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

<b>IN RE: FRED ZUCKERMAN,</b>	)	Protest Decision 2016 ESD 292
	)	Issued: September 28, 2016
<b>Protestor.</b>	)	OES Case No. P-347-081916-MW
_____	)	

Fred Zuckerman, candidate for IBT General President 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 Local Union 651 failed “to police its union bulletin boards and display areas,” and, specifically, that “a Local 651 display” contained “unauthorized campaign material.”

Election Supervisor representative Joe Childers investigated this protest.

**Findings of Fact and Analysis**

The protest was accompanied by a photograph of a stack of flyers reading “TEAMSTER UNITED IS TDU. THEY BOTH LIE !!!!!!!!,” paper-clipped together and sitting on the top of a glass display case in the foyer of Local Union 651’s hall.

Our representative made an unannounced visit to Local Union 651’s hall on August 24, 2016 to view the area where the literature had been placed. While there, our investigator ascertained that the literature was placed on the counter-height surface of a glass display case previously designated as the official campaign literature table for Local Union 651. *See Zuckerman*, 2015 ESD 4 (June 28, 2015) (glass display case in Local Union 651’s foyer designated at literature table under Article VII, Section 7(h) of the *Rules*). Inside the glass case was local union merchandise, including shirts, hats, license plates, and other memorabilia available for purchase.

At the time of our representative’s visit, the literature that was the subject of the protest had been removed from the top of the glass case. On display was literature promoting the Teamsters United slate and literature promoting the Hoffa-Hall slate; these were also available for taking from the glass top. Also on display on the glass case top were two advisories notifying members and the public that the top of the case was reserved for campaign literature for the 2016 election of delegates and IBT officers. According to local union principal officer Mike Philbeck, one of the two advisories was placed there after this protest was filed.

Literature tables are reserved for placement of campaign literature by candidates and are not open to campaign messages from members or other persons who are not candidates. Each local union is required to designate an employee or representative to police the literature table for compliance with the *Rules* and our *Advisory on the Use of Literature Tables or Bulletin Boards For The Distribution of Campaign Literature Inside Union Halls* (May 15, 2015). Candidates who wish to display material on a local union’s literature table or literature bulletin board are to submit their material to the local union’s designated employee or representative for placement on the table or bulletin board. The flyer that was the subject of this protest was not sponsored by a candidate and was not submitted to the local union’s employee or representative for placement on the glass case. Accordingly, its placement there was unauthorized. *See, Hoffa-Hall 2016*, 2016 ESD 231 (June 2, 2016).

Because the subject literature was removed from Local Union 651's literature table promptly after the protest was filed, we deem this protest RESOLVED, a result with which the protestor concurs. We remind Local Union 651 of its obligations to police the literature table to insure compliance with the *Advisory* and to maintain a log that provides details of the campaign material placed there (per the *Advisory*, p. 6, the log should include the following: "1) date campaign literature was provided to the local union; 2) fax number of the "sending" fax machine, originating email address, other identifying mark or confirmation that the literature came from the candidate or authorized representative of the candidate or slate that it promotes; 3) name of person at the local union assigned to the job of table placement or posting; 4) date and time literature was placed on table or posted on board; 5) number of copies made; 6) date and amount charged to slate or candidate, if applicable; 7) dates and results of periodic inspections; and 8) any problems with the maintenance of the literature on the table or bulletin board").

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, 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 292

**Zuckerman**, 2016 ESD 292  
September 28, 2016

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