

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: DEREK CORREIA)	Protest Decision 2021 ESD 102
and JAVIER SANCHEZ,)	Issued: April 9, 2021
Protestors.)	OES Case No. P-127-032821-FW
_____)	

Derek Correia and Craig Chappell, members of Local Union 542, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2020-2021 IBT International Union Delegate and Officer Election (“Rules”). The protest alleged that Costco violated the Rules by establishing a Facebook page on which campaign messages were posted.

Election Supervisor representative Jeffrey Ellison investigated this protest.

Findings of Fact and Analysis

Local Union 542 will elect 10 delegates and 6 alternate delegates to the IBT convention. The Members for Members 542 slate, comprised of rank-and-file members, is competing against the Teamsters 542 Members First slate, consisting of local union officials and rank-and-file members. The protestors here are delegate candidates on the Members for Members 542 slate.

The protest alleged that a Facebook page, “funded by Costco,” featured campaign material supporting the Teamsters 542 Members First slate. The protest further alleged that one of the posts to the page was made by a “former or current supervisor” and directed members to vote for that slate. The page and the campaign posts, taken in combination, are alleged to constitute employer support for campaigning, in violation of the Rules.

Investigation refuted each of the protestors’ allegations. The page, titled “Costco 401 Employee Club,” was created “[s]o Employee Club Members can Post about Events and Memories.” Edmund Swank, a Costco employee and current candidate for alternate delegate on the Teamsters 542 Members First slate, established the page on May 15, 2018; he continues to serve as the sole administrator of the page. The Facebook page rules, as posted by Swank, encourage group members to be kind and courteous, to refrain from hate speech or bullying, and to respect everyone’s privacy.

The posts on the page are of general interest to Costco members, in particular those employed at the Morena Blvd. location in San Diego. Some posts celebrate member milestones, such as retirement and last day of employment. Others provide information about vaccination availability and safe work practices. Another seeks to generate volunteer interest in a union organizing campaign at another employer. Several posts support the Teamsters 542 Members First slate.

No evidence established or suggested that the page was sponsored or funded by Costco. Similarly, the “former or current supervisor” that the protestors asserted posted instructions about how to vote in the delegates and alternate delegates election is a member in good standing of Local Union 542.

Correia & Sanchez, 2021 ESD 102

April 9, 2021

In sum, protestors made allegations they either knew were false when they made them or recklessly disregarded whether they were true or false.

For these reasons, we DENY this protest. We reserve to the decision in *Vasquez*, 2021 ESD 104 (April 9, 2021), the remedy to be imposed against protestors for making false statements to the Election Supervisor.

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. Any party requesting a hearing must comply with the requirements of Article XIII, Section 2(i). All parties are reminded that, absent extraordinary circumstances, no party may rely in any such appeal upon evidence that was not presented to the Office of the Election Supervisor. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Barbara Jones
Election Appeals Master
IBTappealsmaster@bracewell.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, all within the time prescribed above. Service may be accomplished by email, using the “reply all” function on the email by which the party received this decision. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Barbara Jones
2021 ESD 102

Correia & Sanchez, 2021 ESD 102
April 9, 2021

DISTRIBUTION LIST (BY EMAIL UNLESS NOTED):

Bradley T. Raymond, General Counsel
International Brotherhood of Teamsters
braymond@teamster.org

Edward Gleason
egleason@gleasonlawdc.com

Patrick Szymanski
szymanski@me.com

Will Bloom
wbloom@dsgchicago.com

Tom Geoghegan
tgeoghegan@dsgchicago.com

Rob Colone
rmcolone@hotmail.com

Barbara Harvey
blmharvey@sbcglobal.net

Kevin Moore
Mooregp2021@gmail.com

F.C. "Chris" Silvera
fitzverity@aol.com

Fred Zuckerman
fredzuckerman@aol.com

Ken Paff
Teamsters for a Democratic Union
ken@tdu.org

Derek Correia
Dmcorreia13@aol.com

Javier Sanchez
javstrz@gmail.com

Edmund Swank
Eswank44@gmail.com

Jaime Vasquez
jvasquez@teamsters542.org

Michael Miller
Miller.michael.j@verizon.net

Deborah Schaaf
dschaaf@ibtvote.org

Jeffrey Ellison
EllisonEsq@gmail.com