

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: JAVIER SANCHEZ,)	Protest Decision 2021 ESD 103
)	Issued: April 9, 2021
Protestor.)	OES Case No. P-131-031121-FW
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)	

Javier Sanchez, member 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 campaign stickers were affixed to employer property in violation of the Rules.

Election Supervisor representative Jim Devine investigated this protest.

Findings of Fact and Analysis

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

Protestor Sanchez, a delegate candidate on the Members for Members 542 slate, alleged that he “observed Teamsters 542 First slate campaign stickers on Costco lockers and tables” at the Costco store on Morena Blvd. in San Diego CA. In a previous decision, we found that Edmund Swank, an employee at that store who is a candidate for alternate delegate on the Teamsters 542 First slate, violated the Rules by distributing campaign stickers in the parking lot to employees as they walked into the store, concluding that it was foreseeable that such stickers would be affixed to employer assets in violation of the Rules. We ordered Swank to cease and desist from distributing campaign stickers where it is foreseeable that such stickers would be affixed to employer assets. *Sanchez*, 2021 ESD 86 (March 16, 2021).

The stickers at issue in *Sanchez, supra*, were 2-color process, goldenrod over deep red, die-cut in the irregular shape of the IBT horses-and-wheel logo, measuring approximately 4 inches high by 2½ inches wide, and bearing the inscription “Teamsters 542 Members First Slate.”

In the instant protest, protestor Sanchez alleged a repeat violation, urging that the remedy “should be more severe” than that ordered previously.

Investigation showed no violation. The photos Sanchez submitted in support of the protest showed that the stickers at issue here were similar with respect to size, colors, and die-cut shape as those that were the subject of the previous decision. However, the text of the stickers was different. It read “Teamsters Local 542.” This message is not partisan; it is not a campaign message. The stickers therefore do not violate the Rules.

When our investigator asked Sanchez why he alleged that the stickers he protested advocated the election of the Teamsters 542 First slate when they merely identified the local union

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of which he and others employed at the Costco store are members, he feigned ignorance that the stickers he submitted photos of did not say “Teamsters 542 Members First Slate.”

Sanchez has not withdrawn the protest. Accordingly, we conclude that he stands by the false allegation the protest contains.

We DENY the protest. We will address protestor’s false statement to the Election Supervisor in *Vasquez*, 2021 ESD 104 (April 9, 2021).

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
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Richard W. Mark
Election Supervisor

NOTICE OF ELECTION RULES VIOLATION

TO: All members of Local Union 542 employed at Costco, 4605 Morena Blvd, San Diego

Candidates on two slates are competing for election as delegates and alternate delegates from Teamsters Local Union 542 to the 30th International Convention. The Election Supervisor has found that Edmond Swank and the Teamsters 542 Members Slate violated the Election Rules by distributing campaign stickers that members placed on their lockers in the Costco employee breakroom. By displaying stickers on employer property, the campaign improperly involved the employer in the election.

The Election Supervisor will not tolerate violation of the Rules. The Election Supervisor has ordered Swank and his slate to cease and desist from violating the Election Rules. The Election Supervisor has ordered Local Union 542 to post this notice on all union bulletin boards at the Costco, located at 4605 Morena Blvd, San Diego CA.

The Election Supervisor has issued this decision in *Vasquez*, 2021 ESD 86 (March 16, 2021). You may read this decision at <https://www.ibtvote.org/Protest-Decisions/esd2020/2021esd086>.

Any protest you have regarding your rights under the Election Rules or any conduct by any person or entity that violates the Rules should be filed with Richard W. Mark, 1990 M Street, N.W., Suite 650, Washington, D.C. 20036, telephone: 844-429-8683, fax: 202-925-8922, email: electionsupervisor@ibtvote.org.

This notice must remain posted through and including April 14, 2021 and must not be damaged, defaced, or covered up.