

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

IN RE: STEVEN BROWN,)	Protest Decision 2021 ESD 147
)	Issued: September 26, 2021
Protestor.)	OES Case No. P-172-091121-FW
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Steven Brown, member of Local Union 325, 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 Teamster Power slate supporters violated the Rules by campaigning in work areas to employees who were working.

Election Supervisor representative Deborah Schaaf investigated this protest.

Findings of Fact and Analysis

As we said in *Brown*, 2021 ESD 142 (September 17, 2021), campaign activity directed to employees on work status is prohibited. *Hoffa-Hall 2016*, 2015 ESD 6 (July 7, 2015); *Berg & Corrigan*, 2001 EAD 267 (March 26, 2001), *aff’d*, 01 EAM 61 (April 23, 2001); *Green & Baughman*, 2021 ESD 69 (March 4, 2021), *aff’d*, 2021 EAM 14 (March 15, 2021). Campaigning to members while they are behind the wheels of their trucks, on employer-paid time, driving into and out of the facility as part of their jobs, violates the Rules.

The protest in this case alleged that photos included in a Teamster Power Facebook post for John Searcy, a candidate on that slate, showed that campaigning occurred in violation of these principles.

Four photos are the subject of this protest. All depict Port of Seattle bus drivers holding 12”x15” Vairma-Searcy 2021 campaign placards. The first photo showed a driver standing on the curb next to his bus holding the placard. The driver is wearing work clothes, including a yellow safety vest and mask. The second photo depicts 2 persons, one of whom is a campaigner; each is masked and is holding a campaign sign. They are standing on the sidewalk some 8 feet from an open bus door; the driver’s seat on the bus is unoccupied. The third photo depicts an unmasked man in an outdoor covered concourse, holding a placard and smiling at the camera. The final photo shows a masked driver, sitting in the driver’s seat of a bus, holding a placard.

Investigation showed that the photos were taken by Local Union 117 business agent Laura Bolinger at the SeaTac car rental facility, located northeast of the Seattle-Tacoma airport and housing 11 car rental agencies. The facility is accessed by deplaning passengers using shuttle buses operated by the Port of Seattle, and the drivers of those buses are members of Local Union 117. The facility is open to the public, including by individuals who do not arrive there by bus. Passengers embark and disembark the buses using a broad, covered concourse; car rental counters are inside the facility.

Drivers are entitled to breaks during the shifts but, because of the uncertainties of traffic, are not assigned specific break times. Instead, they may walk about their buses, use the restrooms, and eat their lunches or snacks after arriving at the facility and before boarding passengers

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returning to the airport. Bolinger told our investigator that she and another business representative for Local Union 117, Cara Mattson, went to the facility early in the morning of August 16, 2021, and again after work on August 18, 2021, to campaign for Teamster Power and John Searcy among the drivers there. The campaigners were off duty during the campaign activity. They chose those times and that location in order to reach those drivers in a public space, without using access privileges accorded them by their business agent status. According to Bolinger, the drivers the campaigners approached appeared to be on break, stretching their legs after time driving their buses. Bolinger told our investigator that the driver shown seated in the driver's seat of his bus was parked for some 5 minutes, apparently on break, before she approached him for the photo. The driver confirmed to our investigator that he was on break when the photo was taken.

Protestor Brown, who saw the photos on Facebook, had no knowledge of the circumstances of the photos and did not contradict the evidence provided by Bolinger.

The facts our investigation gathered showed that the campaigners were off duty when campaigning. The facts further showed that the drivers depicted in the photos were on break time when the photos were taken.

Finding no violation of the Rules, 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. 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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