

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

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| IN RE: JOHN PALMER, |) | Protest Decision 2021 ESD 150 |
| |) | Issued: September 29, 2021 |
| Protestor. |) | OES Case No. P-167-081421-SO |
| _____ |) | |

John Palmer, member of Local Union 657, 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 the executive board of Local Union 988 violated the Rules by campaigning to employees on employer-paid time in the work area of a Yellow Freight facility.

Election Supervisor representative Dolores Hall investigated this protest.

Findings of Fact and Analysis

Protestor Palmer asserted that, on August 13, 2021, Robert Mele, principal officer of Local Union 988 and a candidate for IBT vice president for the South region on the Teamster Power slate, accessed the dock of Yellow Freight on Wallisville Road in Houston TX during working hours, accompanied by his local union executive board. The protest alleged that a purpose of the visit was to discuss the upcoming International officers election and consequences of a victory by the O'Brien-Zuckerman 2021 slate. Palmer was not present during the visit and had no direct knowledge of what occurred during it.

Mele told our investigator that, each month before a local union executive board, the board visits a worksite under the local union’s jurisdiction to meet with members and gather facts on issues confronting them, which will serve as a basis for discussion at the upcoming board meeting. Mele stated that he and his board have pursued this practice since Mele assumed office in 2007, visiting a different worksite each month. In more recent years, photos of the visits have been posted on local union social media. Mele produced documentary proof of multiple similar visits occurring over the past 10+ years as well as guidelines the board is to follow during such visits.

Mele denied that he or any other executive board member campaigned during the August 13 visit to Yellow Freight. This denial was corroborated by other executive board members our investigator interviewed.

Protestor Palmer identified 3 witnesses to substantiate the protest’s allegation. The first told our investigator he did not see the executive board members but later learned they had been present. The second said he saw the board members speaking with employees but could not hear what they discussed. This witness denied seeing or hearing any campaign activity, stating that he saw no campaign emblems, flyers, or other handouts. This witness also stated he later learned that one board member asked an employee if he would campaign with them. That employee declined to be interviewed by our investigator, and the board member who allegedly made the request denied doing so. The third witness the protestor identified, a steward, stated he saw the board members speaking with employees but denied that he saw campaigning occurring. This witness stated he had seen board members in the past, on other visits to the facility, and that they previously

had sought out the steward on duty to ascertain whether any issues the steward knew of merited board action or intervention. The witness denied that any board member spoke with him on August 13, speculating that this omission was intentional because the witness supported the slate opposing Mele's candidacy.

Our investigator also interviewed a Yellow Freight employee who was not identified as a witness by the protestor. This employee stated he saw and interacted with the visiting board members and denied that they campaigned.

Marielly Ortiz, local union recording secretary, stated she was among the first to arrive for the visit. She also denied that any board member campaigned during the visit. Walking into the facility, she stated that an employee approached her and requested a Teamster Power sticker to wear during work hours. The employee explained that he previously had worn a sticker supporting the O'Brien-Zuckerman 2021 slate during working hours and had been ordered by the terminal manager to remove the sticker or face discipline. The employee complied with the order but filed a grievance over it, and the grievance remained pending. The employee stated he sought the Teamster Power sticker from Ortiz, seeking to wear both stickers simultaneously, apparently to test whether the terminal manager's order was partisan in nature. Ortiz denied to our investigator that she gave him a sticker or otherwise discussed the campaign. When the employee asked if his grievance had been tabled for a partisan political reason, Ortiz denied to him any knowledge of the grievance or its status. Ortiz's recounting of this exchange with the employee was corroborated when our investigator interviewed the employee.

Article VII, Section 12 not only prohibits campaigning by union officials on union-paid time, it prohibits campaigning to employees on employer-paid time in employer work areas. The Rules do not prohibit union officials from entering employer workspaces to meet with members and discuss work-related issues of concern to them. The allegation here is that the Local Union 988 executive board visited a Yellow Freight terminal for a campaign purpose. No evidence was presented to substantiate the allegation. To the contrary, the evidence the investigation revealed showed that no campaigning occurred.

For this reason, we DENY the 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.

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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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