



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue NW
Washington, DC 20001
(202) 624 8778
1 800 828 6496
Fax (202) 624 8792

Michael H Holland
Election Officer

October 2, 1990

Chicago Office
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922 2800

VIA UPS OVERNIGHT

Mr. Richard J. Volpe
Secretary-Treasurer
IBT Local Union 550
6 Tuxedo Avenue
New Hyde Park, New York 11040

Mr. J. John Carter
484 Kime
West Islip, New York 11795

Gentlemen:

A pre-election protest was submitted to the Election Officer pursuant to Article XI, Section 1 of the Rules for the IBT International Union Delegate and Officer Election, Revised August 1, 1990 ("Election Rules") alleging a violation with respect to the posting of Delegate and Alternate nomination results by Local Union 550. The Election Officer's investigation of the protest discloses that the posting in question violated the Election Rules in the following respects:

The Local Union posting contains the number of nominations received for each of the nominated delegates and alternates. This ranking by the Local Union of candidates for delegate and alternate effectively promotes the candidacy of certain candidates in violation of Article X, Section 1(b)(3) of the Election Rules. Such a ranking serves no legitimate purpose, is inconsistent with the purpose of the Election Rules and therefore subject to remedial action by the Election Officer pursuant to his authority under Article I of the Election Rules.

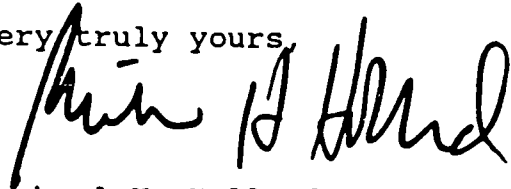
The Local Union letterhead, which contains the names of incumbent officers who are also candidates for Delegate and Alternate, was used for the posting of the Delegate and Alternate nomination results. Similarly, the posting was signed by the Local Union Secretary Treasurer who is also a candidate for the position of Delegate. The use of the letterhead for this purpose is violative of Article II, Section 8(e) because it has the effect of identifying incumbent Local Union officers in the dissemination of information about the Delegate and Alternate election. Similarly, such identification in an official Local Union notice appears to promote the election of incumbent union officers in violation of Article X, Section 1(b)(3).

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To remedy this violation of the Election Rules, the Election Officer hereby orders that the Local Union's notice of Delegate and Alternate nominations be immediately removed and that the attached notice be posted in its place. The Election Officer further orders that the attached notice be posted on all union bulletin boards and in any additional areas where the original notice was posted and that this amended notice remain posted until the Delegate and Alternate election. The Local Union Secretary Treasurer shall submit to the Election Officer an affidavit detailing the Local Union's compliance with this order.

If any interested party is not satisfied with this determination they may request a hearing before the Administrator within twenty-four (24) hours of their receipt of this letter. Such request shall be made in writing and shall be served on Administrator Frederick B Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, N J 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N W., Washington, D. C 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours,



Michael H. Holland

cc. William B. Kane, Election Office Regional Coordinator
Frederick B Lacey, Independent Administrator, IBT

**List of Candidates Nominated for
International Union Convention
Delegate and Alternate Delegate**

and

BAKERY DRIVERS & BAKERY GOODS VENDING MACHINES

Local Union 550

Affiliated With the

**International Brotherhood of Teamsters,
Chauffeurs, Warehousemen & Helpers
of America**

Nominated for Delegate

**Richard Volpe
John Carter**

Nominated for Alternate

**Thomas Flannery
Bill Shroba
Mike Kobel**

J. JOHN CARTER,	:	90 - Elec. App. - 2
Claimant/Appellee,	:	
v.	:	
IBT LOCAL UNION 550,	:	DECISION OF THE
Respondents/Appellants.	:	INDEPENDENT ADMINISTRATOR

This matter involves an appeal of a determination by the Election Officer of a preelection protest (P-002-L.U. 550-NYC) pursuant to the procedures set forth in Article XI of the "Rules For The IBT International Union Delegate And Officer Election," (the "Rules"). I affirm the Election Officer's ruling in the above entitled matter.

The Election Officer held that a notice posted by the Local regarding the results of nominations for the offices of International Union Delegate and Alternate Delegate violated the Rules because it was printed on Local Union stationery bearing the names and offices of individuals who are also candidates for the aforesaid positions. The Election Officer also ruled that it was improper to indicate the number of nominations received by particular nominees and the rank of the nominees.

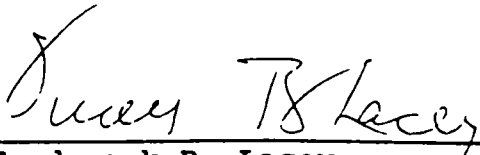
I agree with the Election Officer's conclusion and so hold.

It appearing that on October 3, 1990, Mr. Volpe, Secretary-Treasurer of the Local, directed the Local's Stewards to replace the offending notice with the notice ordered by the Election

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Officer, it is directed that Mr. Volpe immediately take steps to insure that his directive of October 3, 1990, has been carried out and that, within seven (7) days hereof, Mr. Volpe, in writing, advise the Election Officer that the proper notice has now been posted at the various workplaces.

The Election Officer found no evidence of the Local's bad faith, nor do I. I believe that the Local was simply following previous procedures and did not intend to violate the Rules.



Frederick B. Lacey
Independent Administrator

Dated: October 9, 1990