



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

November 6, 1991

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

VIA UPS OVERNIGHT

George Saavedra
845 Thetford Pl.
Fairfield, CA 94533

Casey Sawyer
Secretary-Treasurer
IBT Local Union 490
445 Nebraska St.
Vallejo, CA 94590

Dave Koerber, Manager
United Parcel Service
Cordelia Center
5000 Cordelia Road
Cordelia, CA 94585

Re: Election Office Case No. P-1025-LU490-CSF

Gentlemen:

A protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by George Saavedra, a member of Local Union 490 employed by United Parcel Service ("UPS") at its Cordelia Center terminal located in Cordelia, California. Mr. Saavedra complains that on October 28, 1991, he was prohibited by his employer from posting election campaign materials on a bulletin board located in the downstairs area of the Cordelia Center terminal where drivers gather prior to the start of their work shift ("drivers area").

The protest was investigated by Regional Coordinator Donald Twohey. The drivers area bulletin board is denoted as a company board and generally used for the posting of official company notices. On October 28, 1991, Mr. Saavedra made a request to post campaign materials on the drivers area bulletin board to Dave Koerber, terminal manager. Mr. Koerber denied his request.

Mr. Saavedra contends that the drivers area bulletin board has been used for the posting of materials other than official company notices. Specifically, Mr. Saavedra contends that UPS permitted a sign-up sheet for a golf outing and a dinner, both organized independently by UPS employees, to be posted on the board. Therefore, Mr. Saavedra contends that the board is a general purpose one and the company may not prevent him from posting campaign materials on it.

Article VII, § 10(d) of the *Rules* provides that "[n]o restrictions shall be placed upon candidates' or members' pre-existing rights to use employer or Union bulletin boards for campaign publicity." Accordingly, neither the Union nor the employer may change or limit bulletin board usage. Thus, where a bulletin board on the employer's premises has been used to post materials other than, or in addition to, official employer or Union notices, regardless of whether those postings constituted campaign materials, IBT members have a right to use the bulletin board for campaign postings. Helton v. NLRB, 656 F. 2d 883 (D.C. Cir., 1981), see also Advisory Regarding Political Rights, issued December 28, 1990.

UPS argues that the bulletin board at issue here is strictly for company postings. UPS claims that the bulletin board is not now nor has it ever been used as a general purpose bulletin board.

The investigation by the Election Officer supports UPS claims. While notices regarding the golf outing and dinners were posted, those functions were either sponsored or endorsed by UPS. For instance, UPS contributed \$500.00 to the golf outing and publicized and encouraged participation at the dinner by allowing presentations about it at pre-work communication meetings. The events were only for UPS employees, employed either at the Cordelia facility or another UPS facility located in Napa; UPS managerial employees participated and attended the golf outing and dinner. The drivers area bulletin board is otherwise "policed" and all other non-official company postings, including both campaign material posted during the delegate election and other general purpose postings, have been removed from the bulletin board promptly.

Statements from UPS employees, both managerial employees and IBT members, confirmed that the drivers area bulletin board at Cordelia Center has only been used for official company postings or notices of social functions that are either financially sponsored in part by UPS, Cordelia Center, and/or encouraged by management of UPS, Cordelia Center. Any other posted material has been removed from the board by management officials shortly after it was posted.

In accordance with the foregoing, the Election Officer finds that the drivers area bulletin board located in the downstairs area of the Cordelia Center terminal is an official company bulletin board and not a general purpose bulletin board. The notices concerning employee social functions relate to events that are in some respects company-sponsored, and thus more closely resemble official company notices rather than general purpose postings. All other general purpose postings are routinely and promptly removed. The *Rules* do not require that a bulletin board which is and has historically been limited to official company postings be made available for the purpose of posting of campaign material. Accordingly, the protest is DENIED.