

OFFICE OF THE ELECTION OFFICER  
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Michael H. Holland  
Election Officer

November 12, 1991

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**VIA UPS OVERNIGHT**

Michael H. Dickens  
President  
IBT Local Union 100  
2100 Oak Road  
Cincinnati, OH 45241

Bill Wright  
6909 Kyles Station  
Middletown, OH 45044

Anthony Hooks  
Vice President  
IBT Local Union 100  
5449 Laura Lane  
Cincinnati, OH 45212

**Re: Election Office Case No. P-1046-LU100-SCE**

Gentlemen:

This is a protest filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). The protester is Michael Dickens, President of IBT Local Union 100. His protest alleges that Anthony Hooks, the Vice President of Local 100, and Bill Wright, a member of Local 100 and steward at the United Parcel Service ("UPS") facility in Cincinnati, Ohio passed out copies of the IBT-UPS collective bargaining contract along with Ron Carey literature. He alleges that these activities violate Articles VIII and X of the *Rules*. The protest was investigated by Regional Coordinator Peggy A. Hillman.

Local 100's membership includes employees of UPS. Local 100 has responsibility for printing and distributing the collective bargaining agreement between UPS and the IBT to such members. Although the most recent collective bargaining agreement was ratified in the summer of 1990, Local 100 has only recently completed the duplication of the collective bargaining agreement. After the printing was completed, Mr. Dickens provided some of the contracts to Mr. Hooks, who serves as the business agent for Local 100 members employed by UPS at its Cincinnati facility. Mr. Dickens retained some of the contracts to personally distribute.<sup>1</sup>

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<sup>1</sup> Mr. Dickens recently appointed himself to serve as the business agent for some Local 100 members employed by UPS.

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On October 30, 1991, Mr. Wright and Tom McCarthy, another member of Local 100 who serves as a steward at the UPS Cincinnati facility, distributed copies of the IBT-UPS collective bargaining agreement to Local 100 members employed at the UPS Cincinnati facility. The distribution occurred between 5:30 p.m. and 7:30 p.m. in the employees' parking lot at this facility. Simultaneously, Messrs. Wright and McCarthy distributed "palm cards" on behalf of the Ron Carey Slate. The palm cards were 2 x 3-inch cards with the names of all the candidates on the Ron Carey Slate and the statement "Vote for the Carey Slate." ~~The palm cards were not inserted in the collective bargaining agreements distributed by the stewards.~~ Messrs. Wright and McCarthy held the collective bargaining agreements in one hand and the palm cards in the other.

Vice President Hooks was also present in the parking lot with Messrs. Wright and McCarthy. Although he was passing out Ron Carey t-shirts, the Election Officer's investigation revealed that he did not distribute any collective bargaining agreements. The investigation further revealed that Mr. Hooks was not on Union-paid work time and that Messrs. Wright and McCarthy were not paid by either the Union or UPS during the time that they were distributing the collective bargaining agreements and the palm cards.

Under the circumstances, there is no violation of the *Rules*. Messrs. Hooks, Wright, and McCarthy were on their own time, neither paid by the Union nor UPS. Vice President Hooks did not distribute any collective bargaining agreements. Further, the distribution of collective bargaining agreements and the simultaneous of the campaign material distributed by Messrs. Wright and McCarthy does not suggest that the Local has endorsed any candidate or slate of candidates for International Union office. The palm cards distributed were clearly campaign material. The cards did not contain any writing suggesting that anyone other than the distributors had endorsed the Ron Carey Slate; the palm cards did not contain the Local Union number nor the name of any Local Union officers, business agents, or employees. The *Rules* explicitly protect the right of Union members, including Local Union officers, to support candidates for IBT International Union office, to endorse such candidates and to campaign for such candidates, provided that they do not campaign on Union- or employer-paid work time. The protest is DENIED.

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal. Requests for a hearing shall be made in writing, and shall be served on Independent Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 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,

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D.C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. H. Holland". The signature is stylized and cursive.

Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator  
Peggy A. Hillman, Regional Coordinator




evident, however, that the Election Officer's decision is not based on the fact that the "palm cards" were, or were not, included inside the collective bargaining booklets. Consistent with the Election Officer's findings, Mr. Wright stated at the hearing before me that every effort was made to keep the two items separate. Even when Mr. Wright handed them out simultaneously he announced to the employees that he was including Ron Carey campaign literature in the hand-out. At times an employee would accept the collective bargaining agreement and reject the "palm cards."

Under Article VIII, Section 10.d. of the Election Rules, all Union members retain the right to participate in campaign activities. However, this campaigning may not involve the expenditure of Union funds or the use of Union facilities, equipment, stationery, etc. Election Rules, Article VIII, Section 10.b. & c. Accordingly, Messrs. Wright, McCarthy and Hooks had a right under the Election Rules to campaign as they did so long as they made no use of Union resources.

The fact that Union funds were expended in printing the collective bargaining agreement does not lead to the conclusion that these men improperly used Union resources to campaign. As noted, the campaigners used their own non-work time to campaign. The agreements were clearly distinguishable from the literature. There is no evidence that anyone linked the two. Indeed, some of the employees refused to accept the campaign literature while accepting the copy of the collective bargaining agreement.

Under these circumstances, there is no violation of the Election Rules.

For the foregoing reasons, the Election Officer's decision is affirmed in all respects.



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Frederick B. Lacey  
Independent Administrator  
By: Stuart Alderoty, Designee

Dated: November 21, 1991