



OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
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Michael H. Holland  
Election Officer

November 8, 1991

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

**VIA UPS OVERNIGHT**

Floyd Reid  
Manager, Freight Services  
Sea-Land  
3600 Port of Tacoma Road  
Tacoma, WA 98424

Gordon Teller  
22332 17th Place, West  
Bothell, WA 98021

Lawrence N. Weldon  
Secretary-Treasurer  
IBT Local 741  
552 Denny Way  
Seattle, WA 98109

**Re: Election Office Case No. P-1047-LU741-PNW**

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 Sea-Land Service, Inc. through its Manager of Freight Services, Floyd M. Reid. The protest contends that Gordon Teller, a member of Local Union 741 and an employee of Sea-Land, exceeded the limitations of the campaign rights afforded him by reason of the Election Officer's decision in Election Office Case No. P-62-LU741-PNW. By that decision--and in accordance with various subsequent decisions issued by the Election Officer--Mr. Teller was permitted, pursuant to Article VIII, § 10(d) of the *Rules*, to carry with him in his vehicle while working a campaign sign, which he was permitted to display through the window of the vehicle at times when the vehicle was stopped. The instant protest contends that the reverse side of that sign, still carried by Mr. Teller in his vehicle while on work-time for Sea-Land, carries the following notation: "Floyd Reed [sic] and Sea-Land Walk on Weldon." The protest contends that the message on the reverse side of the campaign sign goes beyond the rights afforded IBT members under Article VIII, § 10(d) of the *Rules*.

The protest has been investigated by the Washington, D.C. office of the Election Officer. Floyd Reid, as noted above, is the Manager of Freight Services for Sea-Land. Sea-Land is Mr. Teller's employer and a party to a collective bargaining agreement with the IBT. The Secretary-Treasurer and principal officer of the IBT Local representing the members employed by Sea-Land, Local Union 741, is Lawrence N. Weldon. The

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notation on Mr. Teller's campaign sign--quoted above--can reasonably be read to cast aspersion on Mr. Reid and Sea-Land and/or their relationship with the IBT. The notation does not relate to the 1991 International Union officer election process.

Article VIII, § 10(d) of the *Rules* provides that no restrictions may be placed upon IBT members' pre-existing rights to utilize their employers' premises for campaign purposes and/or to post campaign material on bulletin boards located at such facilities. Based on this provision of the *Rules*, the Election Officer held that Mr. Teller should be permitted to maintain a campaign sign in his vehicle while on work-time for Sea-Land and to display such sign. An employer, however, need not permit any campaign activities on its premises or the posting of any campaign materials which disparage it or its products or services. NLRB v. Electrical Workers, Local 1229, 346 U.S. 464 (1953). Further, the *Rules*--and Article VIII, § 10(d) of the *Rules*--do not apply to any matters outside the International Union election processes over which the Election Officer has jurisdiction. *Rules*, Preamble at pages 1-2. Under the circumstances--particularly since the notation on the reverse side of Mr. Teller's campaign does not relate to the 1991 International Union officer election--Sea-Land is not required to permit Mr. Teller to display any sign containing such notation or any similar notation on its property or to permit Mr. Teller to carry and/or display such a sign in his Sea-Land vehicle.

The protest is GRANTED. Mr. Teller is ordered to immediately remove from his vehicle any sign which includes--at any place on such sign--the words quoted above and refrain from carrying any sign in his vehicle or otherwise on the property of Sea-Land which contains the notation quoted above or any similar notation. Within two days of the date of this letter, Mr. Teller shall file an affidavit with the Election Officer demonstrating that the offending sign has been removed from his vehicle and demonstrating his understanding that any such or similar comments not be contained on any campaign signs or literature in the future.<sup>1</sup>

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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<sup>1</sup> The Election Officer wishes to commend Sea-Land for filing the instant protest as opposed to taking disciplinary action against Mr. Teller. The Election Officer would note that disciplinary action taken against an employee for distribution or posting activities not protected by the *Rules* would not violate the *Rules*.

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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 "Michael H. Holland". The signature is stylized and cursive, with a large, prominent initial "M".

Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator

Christine M. Mrak, Regional Coordinator (For Information Only)

Robert J. Attaway, Esq.  
Haight, Gardner, Poor & Havens  
195 Broadway  
New York, NY 10007

MHH/cb