



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

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

November 15, 1991

**VIA UPS OVERNIGHT**

Darrell Clements  
1789 First Green  
Memphis, Tennessee 38116

Parcel Employees Credit Union  
c/o United Parcel Service  
2971 Carrier  
Memphis, Tennessee 38116

Jimmy Carrington  
President  
IBT Local Union 667  
796 East Brooks Avenue  
Memphis, Tennessee 38116

**Re: Election Office Case No. P-1061-LU667-SOU**

Gentlemen:

This protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Darrell Clements, a member of Memphis, Tennessee, Local Union 667 as a result of the refusal of the Parcel Employees Credit Union to permit him to use the credit union's telephones to conduct a phone bank in connection with the imminent IBT International Union Election. The protest was investigated by Regional Coordinator Larry R. Daves.

Mr. Clements is employed by United Parcel Service ("UPS") at its Memphis, Tennessee facility. He is a member of Local Union 667; Local Union 667 represents IBT members employed at the Memphis UPS facility.

The Parcel Employees Credit Union ("Credit Union") serves individuals employed by UPS in the States of Tennessee and Mississippi. All UPS employees--whether or not members of IBT--are eligible to join the Credit Union. No person not employed by UPS--including IBT members not employed by UPS--may become a Credit Union member. Participation in the Credit Union has no impact or effect on IBT membership rights; similarly, participation has no impact or effect on IBT members' employment, wages, hours or conditions of work. No IBT member is required to join the Credit Union. All persons who wish to join--both those who are IBT members and those who are not--must go through an application process to become a member.

There are approximately 2,000 members of the Credit Union. All of the officers and board members of the Parcel Employees Credit Union are elected for three year

Darrell Clements  
November 15, 1991  
Page 2

terms by all members of the Credit Union including the Credit Union members who are not IBT members. Mr. Clements is a member of the Board of Directors of the Parcel Employees Credit Union. The Parcel Employees Credit Union is a separate legal entity unrelated to Local Union 667 or the United Parcel Service. No Union or employer money is provided to operate the Credit Union. The Parcel Employees Credit Union is not an IBT employer.

The Parcel Employees Credit Union allegedly has previously permitted phone banks to operate in its premises in connection with prior Local Union elections. Although agreeing initially to permit the phone bank which Mr. Clements requested, ultimately, Mr. James Austin, President of the Credit Union, refused the request.<sup>1</sup> Mr. Clements is now asking the Election Officer to order the Parcel Employees Credit Union to permit him to operate a phone bank.

Mr. James Austin, President of the Credit Union, confirms that Mr. Clements' phone bank idea was acceptable to him initially. However, when Mr. Clements started recruiting volunteers who were not Credit Union members and who worked at employers other than UPS, such as Jones Truck Line and Roadway, and requested eight to twelve keys to the office which he intended to pass out to these strangers, the Credit Union's Board of Directors voted not to allow the phone bank; they felt that outsiders should not be in the office unsupervised. Clements rejected several other alternative suggestions, such as using another empty office in the Credit Union building or a club house in a nearby apartment complex.

The *Rules* contain many provisions governing the actions of IBT Local Unions in connection with the IBT elections. For example, the *Rules* prohibit the expenditure of Union funds or services for campaigning purposes (Article VIII, § 10(b)); the *Rules* require that if any time is allotted to candidates for campaigning at a Local Union meeting, the Local Union is required to afford all candidates the opportunity to campaign (Article VIII, § 4). The *Rules* also contain certain directives to employers of IBT members, such as directives concerning the employer's obligation to permit employees to exercise preexisting rights to post literature on employer bulletin boards and to engage in campaign activities on the premises of the employer in non-work areas and on non-work time (Article VIII, § 10(d)).

However, the *Rules* impose no obligations upon unrelated third parties such as sellers or providers of goods or services. A commercial enterprise, not otherwise an

---

<sup>1</sup> Mr. Clements did not ask that the Credit Union donate its facilities, phones or phone service; Mr. Clements was at all times prepared to pay from personal and/or appropriately raised campaign funds for rental of the Credit Union's offices and for the telephones and telephone charges.

Darrell Clements  
November 15, 1991  
Page 3

employer of IBT members, is not obliged under the *Rules* to provide goods or services to any International Union officer candidate or--if goods or services are provided to any International Union officer candidate--to provide goods or services to all other International Union officer candidates requesting such goods or services. Similarly, a voluntary membership organization including both IBT members and persons not members of the IBT is not obliged under the *Rules* to provide goods or services to an International Union officer candidate or to all competing International Union officer candidates.

Because a commercial enterprise or voluntary organization has sold goods or services to IBT members engaged in intra-Union political campaigns previously, such enterprises or organizations are not obliged to continue to provide such service during the 1991 IBT International Union officer election. For instance, organizations such as the Elks or the VFW are not required to rent their meeting halls or other facilities to be utilized for the 1991 IBT International Union officer election campaign, whether the membership of such organization includes IBT members and whether the organization has previously rented its facilities to political campaigns including IBT intra-Union election campaigns.

The Parcel Employees Credit Union is fundamentally like an organization such as the Elks or the VFW. Participation in the Credit Union is strictly voluntary. No IBT member is required to participate in the Credit Union and the funds of no IBT member are deposited with the Credit Union except by voluntary decision of the IBT member.<sup>2</sup> Accordingly, the Credit Union is not required to permit its facilities to be utilized on behalf of any IBT International Union officer candidate or any particular IBT International Union officer candidate, regardless of past practice. 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

---

<sup>2</sup> The Credit Union is thus totally different from an organization like a joint IBT-employer health, welfare or pension fund. An IBT member because of his membership in the IBT and his employment pursuant to a collective bargaining agreement between his employer and the IBT, is required to be a beneficiary of such joint IBT-employer funds. Participation is not voluntary and the IBT member cannot withdraw his money from such funds and obtain the health, welfare or retirement benefits from another source.

Darrell Clements  
November 15, 1991  
Page 4

& 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, 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 fluid and cursive, with a large initial "M" and "H".

Michael H. Holland

MHH/ca

cc: Frederick B. Lacey, Independent Administrator

Larry R. Daves, Regional Coordinator

Martin Wald, Esquire  
Schnader, Harrison, Segal & Lewis  
Suite 3600  
1600 Market Street  
Philadelphia, PA 19103