

OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001

Michael H. Holland  
Election Officer

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December 30, 1991

**VIA UPS OVERNIGHT**

Brendan F. Kaiser  
Secretary-Treasurer  
IBT Local Union 579  
2214 Center Avenue  
Janesville, Wisconsin 53546

John B. Wilson  
4304 Oldwyck Drive  
Janesville, WI 53546

Phillip Zumstein  
1541 South Oakhill  
Janesville, WI 53546

Re: Election Office Case No. P-1143-LU579-NCE

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Brendan F. Kaiser, Secretary-Treasurer of Local Union 579. In his protest, Mr. Kaiser contends that campaign material supportive of Ron Carey and the members of his slate was improperly posted on the property of Janesville AutoTransit Company, an employer of Local 579 members. The protest was investigated by Barbara Z. Quindel, Regional Coordinator.

Article VIII, §10(d) of the *Rules* permits the posting of campaign literature on the property of an employer of IBT members provided that campaign literature for all candidates and slates of candidates is treated similarly. Indeed, the *Rules* prohibit an employer from preventing campaign literature from being posted on its property if similar postings have been permitted in the past or if such posting is required as a matter of substantive law.

The provisions of Article VIII, §10(d) of the *Rules* relate to company property such as bulletin boards and other areas interior to the facility such as lockers, walls, etc. The provisions of Article VIII, §10(d) of the *Rules* are also applicable to company owned vehicles. Accordingly, utilization of company property for posting of campaign materials on behalf of Ron Carey and the Ron Carey Slate would not violate the *Rules* unless similar campaign material for other candidates and other candidate slates was not permitted to be posted.

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The investigation fails to reveal discrimination between the various International Union officer candidates and candidate slates with respect to the utilization of the property of the Janesville AutoTransit Company for the posting of campaign materials. The bumper sticker found in the truck assigned to IBT member and Janesville AutoTransit Company employee Phillip Zumstein was not affixed to the truck but rather lying on the dashboard of the vehicle. Mr. Zumstein states that he was taking the bumper sticker home for his personal use and maintained it in the vehicle only until he had the opportunity to bring it to his residence. Moreover, there is no allegation or evidence that the company would have prevented bumper stickers for other candidates to be similarly maintained in company vehicles.

The other postings about which Mr. Kaiser complains were postings of campaign materials on bulletin boards or walls within the company's Janesville, Wisconsin facility. Again, there is no allegation or evidence that the company would have prevented the posting of campaign materials for candidates or slates other than Mr. Carey and his slate in such areas of the facility. Indeed, the evidence indicates that campaign material on behalf of R.V. Durham and the R.V. Durham Unity Team was posted in at least one of the areas of the facility where Mr. Carey's campaign material was posted at or about December 10; the investigation reveals that Durham Unity Team material was posted in the Loading Height Garage Building.

Finally, the 1991 IBT International Union officer election has now been concluded. Mr. Carey and the other members of his slate were the successful candidates and their margins of victory were in all cases far greater than the total number of IBT members employed by Janesville AutoTransit Company. Accordingly and assuming that IBT members employed by Janesville AutoTransit Company, the members who saw the campaign materials at issue in this protest were influenced by the postings about which Mr. Kaiser complains, the election results would not have been affected. Assuming that all IBT members employed at Janesville AutoTransit Company would have voted and would have voted for candidates other than those on the Ron Carey Slate but for the postings here at issue, Mr. Carey and the other members of his slate would still have been successful International Union officer candidates. See *Rules*, Article XI, §1(b)(2).

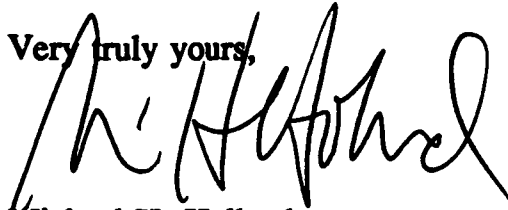
For all the foregoing reasons, the protest is DENIED.

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.

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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

Barbara Z. Quindel, Regional Coordinator

Ron Carey  
c/o Richard Gilberg, Esquire

R. V. Durham  
c/o Hugh J. Beins, Esquire

Walter Shea  
c/o Robert Baptiste, Esquire