

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

Michael H. Holland
Election Officer

(202) 624-8778
1-800-828-6496
Fax (202) 624-8792

January 2, 1992

VIA UPS OVERNIGHT

Gary Rowlett
412 Martin Dairy Road
Milner, Georgia 30257

R. Jerry Cook, President
Donald Skinner, Business Agent
IBT Local Union 528
2540 Lakewood Avenue, S.W.
Atlanta, Georgia 30315

Re: Election Office Case No. P-1144-LU528-SEC

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Gary Rowlett, member of Local 528 on his on behalf and on behalf of four other members of Local 528 as well as a member and officer of Local 728. Mr. Rowlett contends that Donald Skinner, a member and business agent for Local 528, on December 8, 1991, disrupted a meeting held by Teamsters for a Democratic Union ("TDU") for "all reform-minded Teamsters." The protest was investigated by Regional Coordinator Donald H. Williams.

TDU scheduled a meeting in Augusta, Georgia for December 8, 1991 at 1:30 p.m. The meeting was advertised by the distribution and posting of a leaflet noting that all reform-minded Teamsters, their spouses and retirees were welcome to attend. While the flyer stated that the meeting's agenda would include an update on the 1991 IBT International Union officer election, the leaflet also noted that the International officer election was almost over. The leaflet, read as a whole, clearly suggests that the purpose of the meeting was to deal with the future of the IBT, irrespective of the winners of the 1991 IBT International Union officer election.

Mr. Skinner appeared at the meeting site at or about 1:30 p.m., the scheduled start of the meeting. Mr. Skinner, known by the organizers of the meeting and believed by them not to be a "reform-minded Teamster," was asked to leave by the IBT members who organized the meeting. He did not do so; the Sheriff's Department of Richmond County, Georgia was called and a deputy sheriff escorted Mr. Skinner from the meeting room. After Mr. Skinner left the meeting site, the meeting commenced.

The Election Officer has previously considered the propriety of similar behavior on the part of TDU and Local Union officers or employees in In Re: Pollack and

Gary Rowlett
January 2, 1992
Page 2

Konowe et al, Election Office Case Nos. P-008-LU732-NYC and P-008-1-LU732-NYC, affirmed 90-Elec. App.-8. In that case, the Election Officer found that the *Rules* were not violated by a Local Union officer attending a TDU meeting advertised by an open invitation, such as the invitation extended on the flyer for the December 8, 1991 here. As Local 528 President R. Jerry Cook appropriately notes, that Mr. Rowlett or others do not believe that Mr. Skinner is a "reform-minded Teamster" is not determinative of Mr. Skinner's belief that he is such a Teamster. The candidates Mr. Skinner supported for the International Union officer election, The R. V. Durham Unity Team, like the candidates supported by Mr. Rowlett, the Ron Carey Slate, campaigned on a platform of reform. Mr. Skinner's appearance at the TDU meeting, without more, would not violate the *Rules*.

However, the Election Officer also determined in In Re: Pollack and Konowe, *supra*, that the organizers of a member caucus meeting, such as the TDU meeting called for December 8, 1991, are entitled under the provisions of the *Rules* to request members whom the meeting organizers do not believe share their internal Union objectives to leave such meeting. As the Election Officer held, the failure of such members to leave the meeting is disruptive of the meeting after being asked to do so and violative of the *Rules*.

However, the TDU meeting at issue in this case occurred on December 8, 1991, the Sunday prior to the Tuesday noon deadline for the receipt by the Election Officer of 1991 IBT International Union officer ballots. At the time the meeting occurred, the International Union officer election was effectively concluded for members residing in Augusta, Georgia, the situs of the meeting; members who had not yet mailed their ballots could not do so until Monday, December 9, 1991 and such ballots would most likely not be received by the Election Officer by the Tuesday, December 10, 1991 noon deadline. Thus, while the leaflet for the meeting indicated that the agenda was to include an update on the International Union officer election, it is clear that the purpose and focus of the meeting from both the leaflet advertising it and its date was on post-election events.

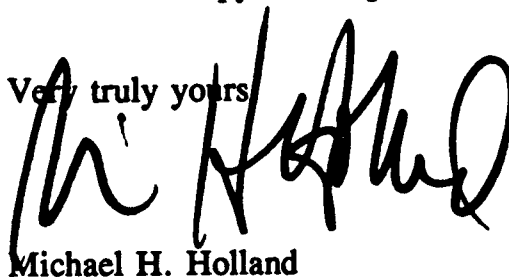
Under the March 14, 1989 Consent Order and the *Rules*, the Election Officer's jurisdiction is limited to the 1991 IBT International Union officer election processes and events which impact or implicate such processes. It cannot reasonably be concluded that the TDU meeting here at issue involved the 1991 IBT International Union officer election or impacted or implicated such election. Accordingly, the subject matter of

Gary Rowlett
January 2, 1992
Page 3

the protest is beyond the Election Officer's jurisdiction and is DISMISSED on that basis.¹

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

Very truly yours



Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator

Donald H. Williams, Regional Coordinator

¹ The International Union candidates supported by Mr. Rowlett and the other IBT members on whose behalf he filed this protest were the successful candidates in the recently concluded 1991 IBT International Union officer election. The conduct of Mr. Skinner at the December 8, 1991 meeting did not affect those results. See *Rules*, Article XI, § 1(b)(2).