



OFFICE OF THE ELECTION OFFICER  
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Michael H Holland  
Election Officer

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January 15, 1991

**VIA UPS OVERNIGHT**

Ron Heath  
Asst Business Agent  
IBT Local Union 878  
5714 Highway 298  
Benton, AR 72015

Ramona Robison  
Secretary-Treasurer  
IBT Local Union 878  
6000 Patterson Ave.  
Little Rock, AR 72219

Earnest C Jones  
2009 State St  
Little Rock, AR 72206

Re: Election Office Case No. P-179-LU878-SOU

Gentlemen:

A pre-election protest has been filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") Complainant Ron Heath, alleges that alternate delegate Earnest C. Jones was ineligible for nomination and that the opposition slate improperly used the Union's name for identification.

The facts are undisputed Local 878 held its first nominations meeting on December 15, 1990 At that meeting, Mr. Jones was not nominated for an alternate delegate slot After the conclusion of the meeting, Mr. Jones presented a written acceptance of nomination to be used at the December 18, 1990 nominations meeting for Local 878 The acceptance stated that Mr Jones would not personally be available to accept the nomination at that meeting because he lived/worked more than 35 miles from the site of the meeting At the December 18, 1990 meeting, Mr Jones was nominated for the position of alternate delegate on the slate named "Working Teamsters With Pride "

The protest has no merit. The *Rules* specifically contemplate that Union members may accept nominations in writing, if not in attendance at the nominations meeting. *Rules*, Article II, § 3 (h) Mr Jones was not in attendance at the nominations meeting at which he was nominated Therefore, he could accept in writing.

Ron Heath  
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The use of the word "Teamsters" in the name of Mr Jones' slate does not violate the *Rules*. While the protest letter cites Article X, § 1 (b)(3) of the *Rules*, the Rule in deals only with official Union stationery and not the naming of slates. Only those slate names which indicate incumbency, are obscene, or are too lengthy for the ballot are prohibited. Therefore, the protest is DENIED in its entirety.

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/mca

cc Frederick B Lacey, Independent Administrator  
Larry R Daves, Regional Coordinator