

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

January 16, 1991

VIA UPS OVERNIGHT

Gillian Furst
3813 Harriet Ave S
Minneapolis, MN 55409

William H Tyler
Secretary-Treasurer
IBT Local Union 1145
2636 Portland Ave S
Minneapolis, MN 55407

David R. Dalton
IBT Joint Council 32
3001 University Ave, SE
Minneapolis, MN 55414

Re: Election Office Case No. P-209-LU1145-NCE

Gentlemen and Madame

A pre-election protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). In her protest the Complainant, Gillian Furst, alleges that IBT Joint Council 32 violated her rights under the *Rules* with respect to the distribution of campaign literature through the use of the Joint Council's non-profit bulk rate mailing status. The Election Officer's investigation revealed the following:

Gillian Furst is a member of IBT Local Union 1145 and is active in the campaign on behalf of a slate of candidates for delegate and alternate delegate to the 1991 IBT International Convention from Local Union 1145. By letter dated December 8, 1990, Ms Furst requested information from her Local Union Secretary-Treasurer regarding the distribution of campaign literature to the members of Local Union 1145 by mail. In response to that inquiry, Ms Furst was informed that the Local Union did not have a bulk rate permit and that the Joint Council was responsible for the Local Union's bulk mailings. By letter dated December 26, 1990, David R Dalton, an election consultant retained by the Joint Council, informed Ms Furst that the Joint Council was in the process of identifying a mailing service and that he would be in contact with her regarding the distribution of her campaign materials. In a series of subsequent conversations between Ms Furst and Mr Dalton, it became clear that the Joint Council

Gillian Furst
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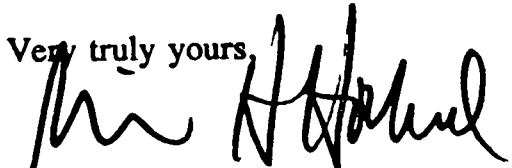
would not permit candidates to use the Joint Council's non-profit bulk rate status, but would only arrange for the distribution of campaign materials by standard bulk rate.

Approximately ten years ago, Local Union 1145 had a non-profit bulk rate permit which it used to distribute a local newsletter to its members. However, within the last ten years the Local Union has ceased to produce its own newsletter and has cancelled its non-profit bulk rate permit. The Local Union relies upon the Joint Council to distribute its bulk mailings to its membership. However, the Election Officer was unable to identify any such mailings made by the Joint Council on behalf of the Local Union using the Joint Council's non-profit bulk rate status. While the Joint Council does distribute the Joint Council newspaper to members of Local Union 1145, this newspaper is a publication of the Joint Council and not the Local Union.

Article VIII, § 6 (a)(3) of the *Rules* provides that the Union is required to honor requests for the distribution of literature at any lawful class of postage and further provides that the Union shall make available to campaigners its non-profit organization bulk rate status for the distribution of campaign material if such status had been used by the Local Union in the past. Because the Election Officer found no evidence that the Local Union had used the Joint Council's non-profit bulk rate status in the past, he concluded that it is not a violation of the *Rules* to deny the Complainant access to that status for the distribution of her campaign material.

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
Barbara Z. Quindel, Regional Coordinator