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Michael H Holland
Election Officer

January 15, 1991

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VIA UPS OVERNIGHT

Rudolph J. Giron, III
502 E 184 St
Carson, CA 90746

Jack D Cox
Secretary-Treasurer
IBT Local Union 572
450 Carson Plaza Dr.
Carson, CA 90746

Re: Election Office Case No. P-214-LU572-CLA

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*") The Complainant, Rudolph Giron, contends that inadequate notice was given to Local 572 members employed by United Parcel Service (UPS) of the delegate nomination meeting held on January 3, 1991

Article II of § 3 (d) sets of the *Rules* sets out the procedures to be followed for giving notice of nomination proceedings

Notice of the nominations meeting(s) shall be given to each member by mailing a copy to each member at his/her last known home address, by publication in a Union newspaper sent to all members or by any other means reasonable calculated to inform all members in sufficient time to permit them to nominate

It is undisputed that notice of the nomination meetings was given in the December, 1990 issue of Southern California Teamster, the official publication of Joint Council of Teamsters No 42 The Local in question is part of this Joint Council The newspaper was mailed to all members of all Locals in the Joint Council on or about December 12, 1990 The publication was mailed to all such members' home addresses as listed in the TITAN records The Local has over 7000 members The investigation by the Election Officer showed that approximately 4 of the roughly 400 members employed at UPS had incorrect addresses

In addition to publication by newspaper, it is also undisputed that the Local Union Election Plan Summary was posted at the terminal where the Complainant worked The Local received the posting on approximately December 19, 1990 and completed the posting by December 28, 1990

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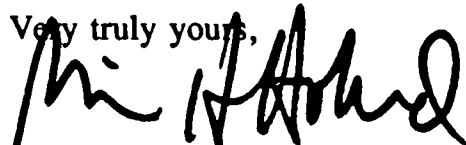
The gravamen of the protest is that the members employed at the UPS terminal in Gardena, California received inadequate notice of the nomination meeting. There are about 400 members employed at the building. Over 100 signed a petition which stated that they "were inadequately informed of the date, nature and importance of the IBT delegates nominations meeting." In addition, some shop stewards testified that they had no notice of the meeting. The Complainant stated that the Union bulletin board where the notice was posted was rarely used by the Union and that, therefore, he never looked at it.

The notification of the nominations meeting provided by the Local complied with the requirements of Article II § 3 (d) of the *Rules*. Under the *Rules*, publication by newspaper is adequate by itself. This was carried out in this case. The evidence showed the overwhelming majority of members at the building regularly received their newspaper. The fact that a very few individuals receive their newspaper sporadically (for whatever reason) does not change that result. Similarly, the Union posted the Election Plan in a timely fashion, given its date of approval and the holiday season. The Complainant does not contend that the Union failed to post the Plan in areas where it was more likely to be seen or that it deliberately used a bulletin board that it knew would not receive attention.

Accordingly, 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. 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
Geraldine L. Leshin, Regional Coordinator