



OFFICE OF THE ELECTION OFFICER
% IN. 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

May 21, 1991

VIA UPS OVERNIGHT

William E. Tull
1201 W. Palmyra
Orange, CA 92668

Ed J. Mireles
Secretary-Treasurer
IBT Local Union 952
141 S. Marks Way
Orange, CA 92668

Jim Boardman
Business Representative
IBT Local Union 952
141 S. Marks Way
Orange, CA 92668

Re: Election Office Case No. P-230-LU952-CLA

Gentlemen

A protest was filed with the Election Officer pursuant to Article XI of the *Rules for the International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest, Mr. Tull alleges that the *Rules* were violated by Jim Boardman, a business representative for the Local Union, when Boardman distributed copies of the "Teamster Election News" inside the Local Union Hall. The Election Officer's investigation of this protest revealed the following:

The "Teamster Election News" is a four page tabloid published by RL Communications of Detroit, Michigan. The publication is critical of Ron Carey and his candidacy for General President of the IBT.

In the instant protest, Mr. Tull alleges that the "Teamster Election News" was handed out by Jim Boardman, a business representative of the Local Union, in the Local Union Hall in violation of Article VIII Section 10 of the *Rules*. The incident in question occurred on the evening of January 4, 1991. The investigation revealed that Boardman, a full time employee of the Local Union, had taken vacation on the day of the incident. Boardman received

several photo copies of the "Teamster Election News" from another business agent, Bob Hahn. Hahn was a candidate for delegate on the "Ed Mireles Slate". Hahn found the photo copies of the publication on car windows in an employee parking lot at a UPS facility in Orange county.

On the day of the incident, Boardman was at the Union Hall to attend a meeting and got into a conversation with William Tull and Charles Sciano, who were both candidates for delegate on a slate identified with Ron Carey. During the conversation, Boardman asked the two whether they had seen "the latest stuff on Carey". Tull said no and asked to see a copy. Boardman then gave Tull a photo copy of the tabloid.

Article VIII, Section 10 of the *Rules* safeguards the right of all Union members to participate in campaign activities in support of, and in opposition to, any campaign or candidate for delegate or International Officer. However subsection (b) of that section of the *Rules* prohibits Union members, who are employees of the Union, from engaging in non-incidental campaigning on work time. Because Boardman was on vacation on the day of the incident, the Election Officer finds no violation of this provision of the *Rules* with respect to his campaign activity on that day.

Article VIII, Section 10 (d) provides, inter alia, that no restrictions shall be placed on pre-existing rights to use Union premises for campaign purposes and that equal access shall be afforded to all candidates. There is no allegation that a short and casual conversation among Union members about the delegate and International officer campaigns which takes place inside of a Union Hall is campaigning or is otherwise violative of the *Rules*, and the Election Officer finds no such violation here.

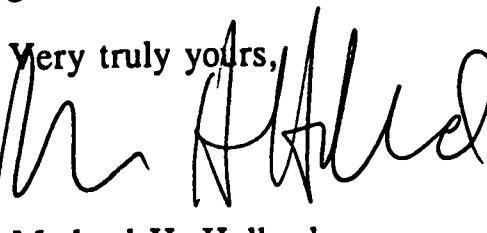
With respect to the alleged "distribution" of the photocopy of the "Teamster Election News" inside the Union Hall, the Election Officer finds that it involved the distribution of at most two copies of the literature. In fact, the protestor asked to see a copy of the literature and there is evidence that he asked to keep it. Moreover, there is no allegation that the protestor was denied an opportunity to engage in similar limited conversations and distributions inside the Local Union Hall.

For the forgoing reasons, the instant protest is **DENIED**¹

¹ Although not raised in this protest, the Election Officer, in the investigation of this protest, and other protests concerning the Teamster Election News, is examining the sources of funding of the publication and distribution of
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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/pjm

cc Frederick B Lacey, Independent Administrator, IBT
Geraldine L Leshin, Election Office Regional Coordinator
Ron Carey Campaign, c/o Richard Gilberg, Esquire

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"Teamster Election News" by RL Communications. The Election Officer has concluded that if the publication and distribution of the "Teamster Election News" involved the use of union or employer contributions in violation of the **Rules**, such violation can and will be remedied by a reimbursement, with interest, of the prohibited contributions. Such remedy and, if appropriate, other remedies directed to RL Communications and the Union and/or employers making improper contributions are sufficient under the **Rules** to eradicate the effect of any such violation. See, e g Election Office Case No P-249-LU283-MGN