



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

Michael H. Holland  
Election Officer

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May 21, 1991

**VIA UPS OVERNIGHT**

Gary E. Rowlett  
412 Martin Dairy Road  
Milner, GA 30257

Willie Rosser  
2505 Lowndes Drive  
Valdosta, GA 31602

J.N. Reynolds  
Route #3  
Carnesville, GA 30521

R. Jerry Cook  
President  
IBT Local Union 528  
2540 Lakewood Avenue, SW  
Atlanta, GA 30315

**Re: Election Office Case No. P-275-LU528-SEC**

Gentlemen:

A protest was filed with the Election Officer pursuant to the Rules for the IBT International Union Delegate and Officer Election, revised August, 1990 ("Election Rules"). In his protest, Gary E. Rowlett alleges that the Local Union called a shop stewards meeting for the sole purpose of campaigning and distributing at that meeting copies of the "Teamster Election News". The Election Officer's investigation of this protest revealed the following.

Mr. Rowlett alleges that on January 3, 1991 Willie Williams, a business agent for Local Union 528, informed shop steward Willie Rosser of a shop stewards meeting to be held at the Local Union Hall in Valdosta, Georgia on the evening of January 5, 1991. Rosser arrived approximately 45 minutes late for the meeting, which by that time had ended, and was handed a copy of the "Teamster Election News"<sup>1</sup> by Williams.

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<sup>1</sup>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.

Mr Rowlett alleges that the only purpose of the meeting was for campaigning and that the distribution of the "Teamster Election News" in the Union Hall was violative of the Election Rules. The Election Officer found no evidence that the sole or principal purpose of the meeting was campaigning, or that any campaigning went on at the meeting. While it appears that copies of the "Teamster Election News" were distributed by Williams at the conclusion of the meeting, there is no evidence that such distribution was not incidental to the meeting. Moreover, neither Rowlett nor Rosser have alleged that they were prohibited from engaging in similar campaign activities in the Local Union Hall.

Article VIII, Section 4(b) of the Election Rules provides that the Local Union cannot deny access to any member candidate to any meeting of the Local Union and shall grant the candidate an equal opportunity to campaign at meetings if other members are permitted to do so. There is no evidence that there was any campaigning at the January 5 stewards meeting. Nor is there any evidence that Mr. Rowlett or his supporters were denied the opportunity to engage in campaigning similar to that which is alleged in the protest, i.e., after the conclusion or before the start of a Union meeting.

Article VIII, Section 10 (b) states that while Union officers and employees have the right to engage in campaign activity they may not do so on work time unless such activity is "incidental to regular Union business". The Election Officer found no evidence that Williams' distribution of the literature to the stewards who attended the meeting after the conclusion of the meeting, was other than incidental to the regular Union business of conducting the meeting.

Article VIII, Section 10(d) provides, inter alia, that no restrictions shall be placed on the pre-existing right of IBT members to use Union premises for campaign purposes and that such premises shall be equally available to all candidates. The protestor does not allege, and the Election Officer did not find, that other members of the Local Union were denied the opportunity to hand out campaign literature in the Local Union Hall after or before a Union meeting.

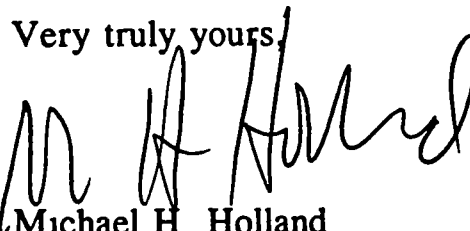
Based on the forgoing, the instant protest is **DENIED.**<sup>2</sup>

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<sup>2</sup> Although not alleged as a violation in the protest, the Election Officer in the investigation of this protest, and other protests concerning the "Teamster (continued.. )

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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  
Donald Williams, Election Office Regional Coordinator  
Ron Carey Campaign, c/o Richard Gilberg, Esquire

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<sup>2</sup>(...continued)

Election News", is examining the source of funding of the publication and distribution of "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 effects of any such violation. See, e.g. Election Office Case No. P-249-LU283-MGN.