



OFFICE OF THE ELECTION OFFICER
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H Holland
Election Officer

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Chicago, IL 60604
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January 31, 1991

VIA UPS OVERNIGHT

Steve MacDonald
975 Hillview Dr.
Dixon, CA 95620

Casey Sawyer
Secretary-Treasurer
IBT Local Union 490
445 Nebraska St.
Vellejo, CA 94590

Re: Election Office Case No. P-324-LU490-CSF

Gentlemen:

A pre-election protest was timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In his protest Steve McDonald contends that Local 490 violates the *Rules* because it refuses to pay expenses for the alternate delegate to attend the 1991 IBT Convention and refuses to furnish worksite lists to candidates for delegate to the 1991 IBT Convention.

The investigation shows the following. Local 490 has agreed in its Local Union Plan to furnish reasonable expenses for delegates to the 1991 IBT International Convention. The Local did not agree to pay alternate delegate expenses. The Local has apparently, however, announced that it may send and pay for non-elected guests to attend the Convention.

The *Rules* provide that each Local Union shall be required to send and pay the expenses of all delegates to the Convention unless it is financially unable to do so, and the Local Union membership has voted to pay the expenses for less than a full complement of delegates. The Local Union is not required under the *Rules* to send or pay the expenses of any alternate delegate to the Convention. *Rules*, Article II, § 10. Thus, the Local is not in violation of the *Rules* because it has chosen not to pay the expenses of the alternate delegate.

The Election Officer concludes, however, that should the Local decide to send and pay for the expenses of non-elected guests to the Convention, they must send and pay

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for the expenses of the alternate delegate. If the Local Union pays the expenses for non-elected guests including unsuccessful candidates for delegate or alternate delegate, the family members of candidates, or non-delegate Local Union staff, or officers or even family members of elected delegates, the expenses of alternate delegates shall be paid. It would be inherently inequitable for the Local to subsidize the expenses of such IBT members, staff, or non-IBT family members but to refuse to subsidize the expenses of the alternate delegate who has won his position by vote of the membership. Should this situation occur, a new protest should be filed, and the issue of appropriate expenses for alternate delegates will be decided by the Election Officer at that time.

Mr McDonald also protests the Local's refusal to supply him with worksite lists. The Local agreed to allow Mr. McDonald to inspect the collective bargaining agreements. An appointment to enable such an inspection was postponed and Mr. McDonald proceeded to make a demand for the worksite list. The Local Union took the position that it did not need to provide such a list until Mr. McDonald completed his inspection of the collective bargaining agreements.

The *Rules* require the Local to furnish access to collective bargaining agreements. *Rules*, Article VIII, § 1. The Local may choose to supply a worksite list instead of access to the collective bargaining agreements, but it is not initially required to do so.

The purpose of Article VIII, § 1 of the *Rules* is to afford candidates an important campaign right. the right to know the employer locations where members work. The *Rules* recognize that the most effective means of campaigning is face to face exchanges between IBT members regarding the candidates and issues of the campaign. The obvious intent of the *Rules* is to allow candidates the opportunity to meet with and campaign at locations where members are congregated, and to bring their campaign to IBT members at their jobs.

Collective bargaining agreements that do not yield employer addresses may not allow the essential purpose of the *Rules* in providing this campaign right to be satisfied. The right to be informed concerning where members work and the right to campaign face to face with members at those locations could be severely undermined and in some cases completely abrogated, when a Local Union provides a candidate with collective bargaining agreements that do not contain employer addresses.

In this case, however, the Local Union has offered collective bargaining agreement inspection to the protestor, and has agreed that to the extent such inspection fails to yield job site addresses, it will provide a worksite list. This is in conformance with the *Rules*. 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

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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
Donald E Twohey, Regional Coordinator

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INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H Holland
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March 6, 1991

VIA UPS OVERNIGHT

Steve MacDonald
975 Hillview Drive
Dixon, California 95620

Casey Sawyer
Secretary-Treasurer
IBT Local Union 490
445 Nebraska Street
Vallejo, California 94590

Re: Election Office Case Nos.

P-324-LU490-CSF
P-520-LU490-CSF

Gentlemen.

A pre-election protest was timely filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In his protest, Steve McDonald alleges that the *Rules* have been violated because he has been denied access to a list of the work-site addresses where Local 490 members are employed.

The *Rules* do provide that IBT members who are candidates have the right to inspect collective bargaining agreements in order to obtain addresses where members who are covered by those agreements work. *Rules*, Article VIII, Section 1. To the extent the agreements fail to yield those addresses, the Local may be required to provide work-site addresses.

The investigation in this case showed that Local 490 collective bargaining agreements do not yield all of the work-site addresses. After inspecting the contracts, Mr McDonald sought all of the addresses not furnished by the agreements. The Local asserted, however, and Mr McDonald agreed that he had independent knowledge of many of the job sites and had in fact campaigned at those sites.

The Local Union agreed with the Election Officer, that it would provide Mr. McDonald with the addresses of all those sites whose addresses were not known to him.

Pursuant to this agreement, Mr McDonald amended his request for job-site addresses, and the Local promptly supplied the addresses for those sites.

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The Election Officer determines that because Mr McDonald has now been furnished all work-site information that will allow him complete access to the membership, the protest is RESOLVED.

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

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Donald E Twohey, Regional Coordinator