



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

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

**RE: Election Office Case No. P-331-LU528-SEC**

Gentlemen

A protest was filed with the Election Officer pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest, Gary E. Rowlett alleges that the *Rules* were violated as a result of the distribution of the "Teamster Election News" 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. Rowlett alleges that Charles Perdue distributed copies of the "Teamster Election News" at an Allied Systems facility in Atlanta, Georgia Mr. Perdue is a Vice President of Local Union 528 and an employee of Allied Systems Perdue was distributing copies of the "Teamster Election News" during the lunch break in a non-work area There is no allegation, and the Election Officer found no evidence, that other members of the IBT were denied the opportunity to engage in similar campaign activities in non-work areas during non-work times at Allied Systems

Article VIII §10 (a) of the *Rules* guarantees the right of IBT members to participate in campaign activities, including the distribution of campaign literature, in support of, or in opposition to, any candidate for delegate or International office in the IBT Article VIII §10 (d) provides, inter alia, that no restriction shall be placed on a member's preexisting right to engage in campaign activity on their employer's premises The Election Officer's Advisory Regarding Political Rights ("Advisory"), dated December 28, 1990, states that one of the preexisting rights of IBT members is to

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engage in campaigning on the premises of their employer in non-work areas during non-work times

For the foregoing reasons, the instant protest is DENIED <sup>1</sup>

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/cdk

cc Frederick B Lacey, Independent Administrator  
Don Williams, Regional Coordinator  
Ron Carey Campaign, c/o Richard Gilberg, Esquire

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<sup>1</sup>Although not specifically 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 "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 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