



OFFICE OF THE ELECTION OFFICER
% INT NATIONAL 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 29, 1991

VIA UPS OVERNIGHT DELIVERY

Daniel A. Tuffs, Jr
7235 W 109th Street
Worth, IL 60482

William Joyce
Secretary-Treasurer
IBT Local Union 710
4217 S Halsted Street
Chicago, IL 60609

George Leicht, Sr
c/o IBT Local Union 710
4217 S Halsted Street
Chicago, IL 60609

Re: Election Office Case No. P-332-LU710-CHI

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 ("Election Rules"). In his protest Mr. Daniel A. Tuffs, Jr. alleges that the Election Rules were violated by the delivery of a bundle of the "Teamster Election News" to a member of the Local Union employed by Advance Transportation in Bedford Park, Illinois. 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.

The incident which gave rise to the protest occurred on January 16, 1991 at approximately 11:00 am in the employee lunchroom in the Bedford Park facility of Advance Transportation. George Leicht, a Trustee of the Local Union and Head Steward at Advance, was at the facility to investigate a complaint made by an Advance dock worker. The complaint was originally received by Mike Hayline, a steward at Bedford Park. Leicht and Hayline met in the employee lunchroom to discuss the complaint and prior to their discussion Leicht gave Hayline a bundle of "Teamster Election News". Both Leicht and Hayline deny having copies of the "Teamster Election News" at that meeting. However, both admit distributing that material at other times.

The gravamen of Mr. Tuffs' protest is that both Leicht and Hayline were on time

Daniel A Tuffs, Jr
Page 2

paid by the employer or the union when the delivery of the "Teamster Election News" was made Tuffs also alleges that the "Teamster Election News" was impermissible financed with Union or employer resources

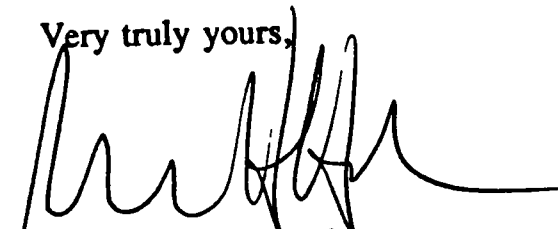
Article VIII, Section 10 (b) of the Election Rules provides that members of the IBT who are union officers or employees may not engage in campaign activities on time paid for by the union, unless such campaigning is incidental to regular union business Similarly, Article X, Section 1 (b)(4) of the Election Rules provide that union members may not campaign on time paid for by an employer unless such campaigning is incidental to their work The Election Officer finds that the delivery of a bundle of the "Teamster Election News" was incidental and therefore not violative of the Election Rules

The Election Officer has determined that copies of the "Teamster Election News" were purchased by members of Local Union 710 from RL Communications However, the Election Officer is examining the source(s) 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" involves the use of Union or employer contributions in violation of the Election 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 Election Rules to eradicate any such violations See e.g., Election Office Case No P-249-LU283-MGN

For the forgoing reasons, the Election Officer denies the instant protest

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
Election Officer

Daniel A Tuffs, Jr
Page 3

cc Frederick B Lacey, Independent Administrator, IBT
Julie Hamos, Regional Coordinator

IN RE:	:	91 - Elec. App. - 161 (SA)
DANIEL A. TUFFS, JR.	:	DECISION OF THE
and	:	INDEPENDENT
IBT LOCAL UNION NO. 710	:	ADMINISTRATOR

This matter arises out of an appeal from a May 29, 1991, Order that ruling by the Election Officer in Case No. P-332-LU710-CHI. A hearing was held before me by way of telephone conference on June 7, 1991, at which the following persons were heard: the complainant, Daniel A. Tuffs, Jr.; Marvin Gitler, on behalf of Local 710; Deborah Schaaf, an Adjunct Regional Coordinator; and John J. Sullivan and Barbara Hillman, on behalf of the Election Officer.

The facts upon which this protest are based are uncomplicated. George Leicht is a Trustee with Local Union 710 and a Steward at Advance Transportation Company ("Advance"). Mike Hayline is a dock-worker at Advance. Messrs. Leicht and Hayline met at Advance to discuss a complaint that Mr. Hayline had filed. Apparently, during that discussion, Mr. Leicht gave Mr. Hayline a bundle of copies of the Teamster Election News, a four-page leaflet published by RL Communications of Detroit, Michigan. The Teamster Election News is critical of Ron Carey, a candidate for General President of the IBT. Although both Messrs. Leicht and Hayline deny that the

publication changed hands at their meeting, I credit the testimony of the complainant in this regard. In any event, both Messrs. Leicht and Hayline admit that they have distributed the publication at other times.

The complainant first alleges that the Rules For The IBT International Union Delegate And Officer Election (the "Election Rules") were violated when Leicht distributed the Teamster Election News while on paid time of either the Local or Advance. Article X, Section 1.b.(4) of the Election Rules provides, in the first instance, that:

No member may campaign for him/herself or for any other candidate during time that is paid for by the Union or by any employer.

This provision, however, exempts "campaigning incidental to work or regular Union business." The passing of the Teamster Election News to Mr. Hayline by Mr. Leicht was clearly "incidental" campaigning, thus, there is no violation of the Election Rules here.

The complainant raises a broader issue in his second allegation. Here, the complainant contends that the Teamster Election News itself is impermissibly financed by resources of the Union and/or the employer in violation of Article X, Section 1.a. and Section b.(1). The issue of whether the Teamster Election News is impermissibly financed is presently undergoing examination by the Election Officer as a result of other protests concerning this publication. The Election Officer deferred a resolution of this portion of the protest pending completion of the Election Officer's

investigation regarding the Teamster Election News' funding. Accordingly, any review of the Election Officer's decision in that regard by the Independent Administrator will, of course, await the filing of an appeal, if any.

As an aside, it should be noted that the Election Officer's investigation revealed that the individual members at Local 710 who purchased copies of the Teamsters Election News did so with their own funds.

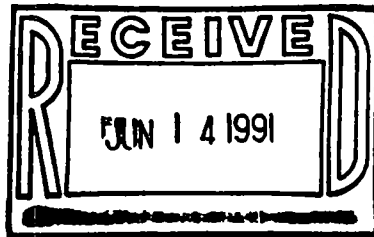
Accordingly, the Election Officer's treatment of this protest is affirmed.

Stuart Alderoty 1521
Frederick B. Lacey
Independent Administrator
By: Stuart Alderoty, Designee

Dated: June 12, 1991

OFFICE OF THE INDEPENDENT ADMINISTRATOR
c/o LeBOEUF, LAMB, LEIBY & MacRAE
Gateway Center I, Suite 603
Newark, NJ 07102 5311
(201) 643-8000
Fax (201) 622 6693

Frederick B Lacey
Independent Administrator



6/14/91

June 12, 1991

X MHH
BIT
JS
710/CHI

VIA UPS NEXT DAY AIR

Mr. Daniel A. Tuffs, Jr.
7235 West 109th Street
Worth, IL 60482

RE: Appeal of Daniel Tuffs

Dear Mr. Tuffs:

Enclosed please find a copy of my June 12, 1991, Decision in the above referenced matter.

Very truly yours,

Stuart Alderoty /SR/

Frederick B. Lacey
Independent Administrator
By: Stuart Alderoty, Designee

FBL:jdr
Enclosures

cc: VIA UPS NEXT DAY AIR
Michael H. Holland, Esq.
James T. Grady, Esq.
Julie E. Hamos, Regional Coordinator
William D. Joyce, Secretary-Treasurer of Local 710