



OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001  
(202) 624 8778  
1-800 828 6498  
Fax (202) 624-8792

Michael H. Holland  
Election Officer

Chicago Office:  
% Cornfield and Feldman  
343 South Dearborn Street  
Chicago, IL 60604  
(312) 922-2800

February 22, 1991 -

**VIA UPS OVERNIGHT**

Jerry Halberg  
c/o IBT Local Union 174  
553 John St  
Seattle, WA 98109

Allen McNaughton  
Secretary-Treasurer  
IBT Local Union 174  
553 John St.  
Seattle, WA 98109

Robert A Hasegawa  
Evergreen Chapter  
Teamsters for a Democratic Union  
3121 - 16th St.  
Seattle, WA 98144

**Re: Election Office Case No. P-403-LU174-PNW**

Gentlemen:

A pre-election protest has been filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") The Complainant, Jerry Halberg, is an Executive Board member of Local Union 174 and is a candidate for delegate to the June, 1991 IBT Convention. Jerry Halberg is a "feeder" driver for United Parcel Service (as is Mr Hasegawa) which means that he transports mail and packages between various UPS facilities Halberg alleges that the "Evergreen Chapter" of the Teamsters for a Democratic Union ("TDU") uses the feeder system to distribute TDU material by transporting the material in UPS trucks and by distributing it on UPS time Halberg provided no specific evidence, however, of this latter point

The *Rules* provide that an employer, such as UPS, cannot subsidize a Union campaign *Rules*, Article X, § 1 In this case, however, the Complainant could not provide evidence of such activity because he could not prove that campaigning took place on work time Further, the *Rules* allow campaigning that is incidental to an employee's job or to a Union officer's regular Union business *Rules*, Article VIII, § 10 The conduct herein falls into this category because there is no evidence that members did anything except carry TDU literature in their cab and pass the literature on to other member drivers Further, the Election Officer's investigation uncovered no evidence,

**Jerry Halberg**  
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that transporting the literature in question was inconsistent with normal usage of the UPS vehicles, further indicating that the use of the vehicles in incidental and not violative of the *Rules*.

There is no allegation or proof that Halberg or other Executive Board members are unable to use their trucks to hand out materials incidental to us. For all of these reasons, 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 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  
Christine M. Mrak, Regional Coordinator