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Election Officer

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February 12, 1991

VIA UPS OVERNIGHT

Bob Highfill
Rt 5 Box 77A
Silon Springs, 72761

Ott L. Rogers
Secretary-Treasurer
IBT Local Union 373
4314 South Phoenix
Fort Smith, AR 72906

Re: Election Office Case No. P-456-LU373-SOU

Gentlemen

A pre-election protest was filed by Bob Highfill, a member of Local 373, pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). In his protest, Mr Highfill alleges that the *Rules* were violated because Mr Ott Rogers, the Secretary-Treasurer of Local 373, used Local Union facilities to file two protests involving Mr Highfill on January 14, 1991 and January 15, 1991¹. The facilities in question included a fax machine, paper and clerical staff.

The *Rules* do, in fact, prohibit financial contributions from among other entities, the IBT, its subordinate bodies, including Local Unions, and employers, made for the purpose of promoting the candidacy or the campaign of any individual. Additionally, the prohibition extends behind monetary contributions to the use of equipment, stationery, facilities and personnel of either the employer or the Union. Article V, § 1

While the *Rules* do prohibit such campaign contributions by Unions and Employers with respect to campaign contributions, they do not prohibit employer or Union contributions with respect to filing or of resolving protests, clarifying the *Rules*, or otherwise furthering the goal of fair, honest and open elections. *Rules*, Preamble and

¹In P-317-LU373 Mr Rogers protested the use of the word "Teamsters" in the slate name chosen by Mr Highfill. In P-318-LU373 Mr Rogers filed a protest that Mr Highfill's slate form was not timely submitted in accordance with the *Rules*. Both of the above-referenced protests were denied.

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Article I The protest procedure is integral to that goal See Lally v. Vincent 91-Elec App -36 (Decision of the Independent Administrator, Frederick B Lacey)

Moreover, there is no allegation that the Local discriminated against any Local candidate by refusing access to the fax machine or other facilities allegedly used by Mr. Rogers Since the facts alleged by Mr. Highfill do not constitute a violation of the *Rules*, the above-described 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
Larry R Daves, Regional Coordinator