



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624 8778
1 800 828 6496
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 25, 1991

VIA UPS OVERNIGHT

Paul Groak
11 Lebanon Street
Melrose, Massachusetts 02176

Don Heath
UPS
1045 University Avenue
Norwood, Massachusetts 02062

William J McCarthy
President
IBT Local Union 25
544 Main Street
Boston, Massachusetts 02129

Re: Election Office Case No. P-502-LU25-ENG

Gentlemen

A pre-election protest was filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") The protester, Paul Groak, alleges that his employer, United Parcel Service ("UPS"), is refusing to permit the posting of campaign literature on the bulletin boards at the UPS facility where Mr Groak works

The Election Officer's investigation was conducted by Adjunct Coordinator Janet Linder The UPS facility here in question had, prior to September 1990, an open, non-glass enclosed bulletin board, which was replaced in September 1990 with a glass-enclosed, locked bulletin board UPS states that in accordance with its official policy, the board is and has always been for official Union notices only UPS management contends that when and if non-official matters are posted on the board, the documents are immediately removed by UPS management

Mr Groak acknowledges that the bulletin board here in question has been utilized for the posting of official Union notices only However, he contends that during the last Local Union Officer election for Local Union 25, a card stating "Vote the McCarthy Team" was posted on the bulletin board at one time

The Election Office Adjunct Coordinator questioned numerous members of Local Union 25 employed at the Chelmsford facility here in question None recalled ever having seen campaign literature on the bulletin board All confirmed that the bulletin

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board had been used for posting official Union notices only No person recalled ever having seen any personal materials or campaign materials on the bulletin board

Under the *Rules*, IBT members retain their "pre-existing rights to use employer or Local Union bulletin boards for campaign activity " Article VIII, Section 10 (d) of the *Rules* Among such pre-existing rights is the right to post campaign material on general purpose bulletin boards, that is on bulletin boards that have been historically used for postings other than, or in addition to, official company or Union notices There is no requirement, however, that there be a general purpose bulletin board The *Rules* only require that if there is such a general purpose bulletin board, campaign materials may be posted on that board

The bulletin board under review here is an official Union, not a general purpose, bulletin board While the protester contends that campaign material was previously posted on one occasion on the bulletin board, no other members confirmed his allegation Further, a single prior instance of utilization of an official board for a non-official or general posting does not convert an official Union or company bulletin board to a general purpose bulletin board

The evidence adduced by the investigation of the Election Officer in this case did not demonstrate that the bulletin board here in question is a general purpose bulletin board The protest is, therefore, 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/ads

cc Frederick B Lacey, Independent Administrator
Elizabeth A Rodgers, Regional Coordinator