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March 1, 1991

**VIA UPS OVERNIGHT**

Larry Jordan  
6087 Alive Drive  
Westerville, Ohio 43081

Charlie Teas  
Secretary-Treasurer  
IBT Local Union 413  
555 East Rich Street  
Columbus, Ohio 43215

**Re: Election Office Case No. P-508-LU413-CLE**

Gentlemen

A pre-election protest was timely filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest, Larry Jordan states that he has been denied access to the List of Local 413 stewards, but that the Secretary-Treasurer of the Local Union, Charles Teas has mailed campaign literature to the Local 413 stewards with requests that the stewards post the material in violation of the *Rules*

The investigation shows the following By letter dated February 6, 1991, Mr Jordan requested a list of shop stewards so that he could mail his campaign literature to them Mr Teas denied the request

Mr Jordan states that subsequently the Union steward for his job site received campaign literature at his home address from the Charles Teas slate (the Right to Vote slate), and that the steward brought the literature to work and posted it on the bulletin board Mr Teas states that a campaign mailing was not made by him to the Local Union stewards, but was made by another candidate on his slate, Oland Wallis, and that the mailing was financed by Mr Wallis

The *Rules* provide that each candidate shall be permitted a reasonable opportunity to have his literature distributed by the Union at the candidate's expense The *Rules* also provide that the Union shall honor requests for distribution of a candidate's campaign literature to only a portion or a segment of the membership *Rules*, Article VIII, Section 6 The *Rules*, do not, however compel the Local Union to make available to a delegate candidate a list of the Union job stewards Thus, if Mr Jordan had submitted a request to the Local that a mailing containing his literature be processed for the Union Stewards,

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the Local would be required by the *Rules* to comply with such a request <sup>1</sup> However, the Local Union's refusal to supply the actual list of the Union stewards is not a violation of the *Rules* Therefore, this aspect of the protest is **DENIED**

The *Rules* provide that no union funds or goods shall be used to promote the candidacy of any individual, and prohibit the use of union personnel to promote the candidacy of any individual *Rules*, Article X, Section 1

The evidence in this case shows that the Union stewards were targeted as a membership group for a campaign mailing at their home address by the Charles Teas slate The stewards were then free to either choose to distribute the material or not Presumably Mr Jordan's intentions are to target the same group for campaign material distribution, and the stewards would likewise be free to distribute his literature or not

The steward position is not a salaried position in the Union, rather it is a volunteer position, although stewards may or may not have certain benefits (such as super seniority) as a result of their steward position The *Rules* do not contemplate volunteer activity by a steward on behalf of any delegate to fall within the prohibition against the use of Union personnel for campaign purposes

The Election Officer concludes that the campaign mailing to the Union steward's home is permissible under the *Rules* because the mailing was not financed by the Local Union, because there is no evidence that the Union stewards were compelled to distribute the literature, and because the Union steward's position in this case, is a volunteer, unpaid position The evidence does not show that literature distribution by the stewards occurred on time paid for by the Union

Based on the foregoing, this aspect of 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

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<sup>1</sup>Prior to his filing this protest, Regional Coordinator Joyce Goldstein informed Mr Jordan that he was entitled to have his campaign literature distributed by the Local to Local Union stewards only

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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  
Joyce Goldstein, Regional Coordinator