



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

February 26, 1991

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

VIA UPS OVERNIGHT

Philip J Wardell
1354 East Losey
Galesburg, IL 61401

Lisa C Hopper
805 North Utah
Davenport, IA 52803

Rolland E Thurman
1655 Florence Avenue
Galesburg, IL 61401

Timothy M Casey
502 Bristol Drive
Carol Stream, IL 60188

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

Rosemary Dehning
735 West 61st
Davenport, IA 52806

Carolyn M Lafferty
207 East Alexis Avenue
Alexis, IL 61412

Re: REVISED DECISION in

**Election Office Case Nos. P-529-LU710-CHI
 P-542-LU710-CHI
 P-547-LU710-CHI
 P-548-LU710-CHI**

Gentlemen and Mesdames

It has properly been brought to my attention that the scope of the notice posting provided for in the Election Officer decision of February 25, 1991 was incorrect

Accordingly, enclosed herewith, together with its attachment, is a revised decision in the above-captioned cases. Specifically, the revision provides that the third full paragraph on page 3 shall read as follows

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"In order to clarify the rights of all members and candidates prior to scheduled election, Local Union 710 shall immediately, upon receipt of this decision, post the attached notice on all bulletin boards at Union offices and UPS worksites where Local Union 710 members work "

Accordingly, the posting shall occur at the aforementioned locations, whether or not located within the State of Illinois There are no other revisions in the February 25, 1991 decision

Thank you very much for your attention to this matter

Very truly yours

A handwritten signature in black ink, appearing to read "Michael H. Holland". The signature is written in a cursive style with a large initial "M" and "H".

Michael H Holland

MHH/kpm

Enclosure

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

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Election Office Case No. P-529-LU710-CHI
P-542-LU710-CHI
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P-548-LU710-CHI**

Gentlemen

This decision considers four pre-election protests filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") All cases involve protests seeking protection of rights under the *Rules* resulting from a decision of the IBT General Executive Board to transfer current members of Local 710 to other IBT Locals In Election Office Case No P-529-LU710-CHI complainants are Philip J Wardell, Rosemary Dehning, and Lisa C Hopper, who file on behalf of themselves and other similarly affected members of Local 710 In Election Office Case No P-542-LU710-CHI the complainant is Rolland E. Thurman, who files on behalf of himself and other similarly situated members of Local 710 In Election Office Case No P-547-LU710-CHI the complainant is Carolyn M Lafferty, who filed on behalf of herself and similarly situated members of Local 710 In P-548-LU710-CHI, Timothy M Casey is the complainant The Election Officer conducted an investigation of the protest, and the investigation reveals the following

Complainants are all currently members of Local 710 who are employed by United Parcel Service ("UPS") On February 7, 1991, the General Executive Board of the IBT issued a ruling in a jurisdictional dispute among various local Unions representing UPS facilities and Local 710 whose membership has historically included members employed by UPS facilities within the states of Illinois, Indiana and Iowa outside of the Chicago area The General Executive Board resolved the jurisdictional dispute against Local 710, over the strenuous objection of the Local, and ordered the transfer from the membership of Local 710 of members employed at UPS facilities to other IBT Locals, based upon geographic jurisdiction A copy of the Executive Board's decision is attached hereto The transfer has not as yet been effectuated, the effective date is not yet certain

The effect of this decision on complainants is that they will be transferred from Local 710 to other IBT Locals Complainants protest these transfers as actions that will prejudice their rights as to run as delegates or alternate delegates to the 1991 IBT International Convention and, if elected, to be seated at the 1991 IBT International Convention, or to vote for delegate and alternate delegate candidates representing Local Union 710 The investigation discloses that complainants Philip Wardell, Lisa Hopper and Timothy Casey are all candidates for delegate from Local Union 710 Additionally, the following Local 710 members, candidates for alternate delegates, may also be affected by the transfer order Jack L Johnson, Kenneth Beschorner, Steven W Byrum, Clifton H Sebree, and Gary Boelkes.

Local Union 710 held its nominating committee meeting at which delegates and alternate delegates were nominated on January 13, 1991. The votes to be cast by a mail ballot for these candidates will be counted on March 2, 1991

The nomination meeting and election dates for the Locals into which Local 710 members may be transferred are as follows

Local	Nomination Meeting Date	Election (or count) Date
50	12/2/90	1/24/91 -
347	12/14/91	2/01/91
414	1/08/91	3/01/91 -
722	12/09/90	1/28/91
627	1/13/91	3/03/91 -
144	1/06/91	2/20/91
215	12/02/90	2/01/91
26	12/08/90	2/06/91
279	9/09/90	10/30/90
371	1/20/91	3/15/90 -
525	1/10/91	2/25/91
916	1/27/91	3/13/91 -
135	1/19/91	3/06/91 -
364	12/03/91	1/25/91

As is apparent, the nominations meeting for all potential transferee Locals have occurred, many elections have also occurred. In all cases but one, the ballot is by mail; in most Locals, the ballots have already been mailed.

It is therefore clear that the planned transfer of Local 710 members will effectively deprive complainants and members of Local 710, who have been nominated as delegates and alternate delegates of their opportunity to be elected. It will also effectively disenfranchise any member of Local 710, who may have nominated or seconded their candidacies or who are supporting their candidacies from voting for or campaigning for candidates or being represented by delegates in whose election they had participated. See Article VIII, Section 10 of the *Rules*. The *Rules* do not allow the restructuring of Locals to have this result. Cf. Article IV, Section 2(e) of the *Rules* (allowing seating of delegates to Convention in restructured Local if necessary to prevent disenfranchising of Local members). The Election Officer has previously acted to protect the election rights of candidates and voters under the *Rules* from being adversely affected by a transfer ordered under the IBT Constitution. See Election Office Case No P-427-LU302-CSF, affirmed by the Independent Administrator, Frederick B. Lacey in 91 - Elec App 74 (February 19, 1991).

For these reasons, it is the decision of the Election Officer that the transfer order of the General Executive board issued February 7, 1991 will have no effect upon the election and voting rights of members of Local 710 affected by the transfer order. Thus, candidates for delegate and alternate delegate nominated from Local 710 will remain candidates from Local 710, and if elected will represent Local 710 at the 1991 IBT International Convention. Members of Local 710 whether or not subsequently transferred by reason of the General Executive decision, shall cast votes for candidates for delegate and alternate delegate as members of Local 710. Any member of Local 710 transferred to another IBT Local by reason of the General Executive Board's decision shall not participate in either the nomination or election of delegates from such other Local. The result is fully in accord with the intent of the General Executive Board's transfer decision, which by its own terms, seeks to protect transferred members from any adverse effects on their contractual and pension rights. Further, such transfer shall not effect the delegate at 1991 IBT International Convention of Local 710 or any transferee Local. *Rules*, Article IV, Section 2(e). Accordingly, the complainants' protest, as it relates to International Union Delegate and Officer election, is **GRANTED**.

In order to clarify the rights of all members and candidates prior to the scheduled election, Local Union 710 shall immediately, upon receipt of this decision, post the attached notice on all bulletin boards at all Union Offices and UPS work-sites where Local 710 members work.

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

Philip J Wardell
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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,

A handwritten signature in black ink, appearing to read "Michael H. Holland". The signature is fluid and cursive, with a large initial "M" and "H".

Michael H Holland

MHH/ads

cc Frederick B Lacey, Independent Administrator
Julie E Hamos, Regional Coordinator
James T Grady, General Counsell

NOTICE TO IBT LOCAL 710 TEAMSTER MEMBERS EMPLOYED BY UPS

On February 7, 1991 the General Executive Board issued a decision in a jurisdictional dispute between Local 710 and other Teamster Locals representing UPS employees. Implementation of this decision may cause the transfer of IBT members who are currently represented by Local 710 to other IBT Locals representing UPS employees in specific geographic areas. The Election Officer has ruled that any implementation of transfers pursuant to the decision of the IBT General Executive Board will have no effect on the 1991 IBT International Union Delegate or Officer election or voting rights of members of Local 710 with respect to that election.

- 1 Candidates for delegate and alternate delegate nominated from Local 710 will remain candidates from Local 710
- 2 Any member transferred from Local 710 shall be permitted to vote in the delegate and alternate delegate election for Local 710
- 3 All delegate candidates elected and certified by the Election Officer will represent Local 710 at the 1991 IBT International Convention. Local 710's delegate complement will not be reduced.

You have a right to file a protest with the IBT Election Officer, Michael H. Holland, alleging a violation of these rights or any other rights set forth in the *Rules*



MICHAEL H. HOLLAND
IBT ELECTION OFFICER

This is an official notice. It must remain posted for thirty (30) consecutive days from the first day of posting. It must not be altered, defaced, or covered by any other material.