



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

March 8, 1991

VIA UPS OVERNIGHT

Clarence D Marston
161 Brushy Plains Rd
Branford, CT 06405

Edward Brereton
Secretary-Treasurer
IBT Local Union 443
200 Wallace St
New Haven, CT 06507

Saab Cars USA, Inc
Saab Drive P O Box 697
Orange, CT 06477

David Smith
186 Atkins St
Menden, CT 06450

Re: Election Office Case No. P-554-LU443-ENG

Gentlemen

Complainant Clarence Marston filed this pre-election protest pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") Marston's protest alleges that on February 15, 1991, Marston and Dave Smith both of whom are members of Local Union 443 and candidates for election as delegate to the 1991 IBT International Convention went to Saab Cars USA, Inc corporate headquarters in an attempt to determine the work-sites of Local Union 443 members employed by SAAB They wanted the work site locations so they could post their campaign literature at such sites and to meet with members of the Local Union 443 who were employed by Saab Rueben Fisher, manager of employment and training for Saab, stated that he would have to check with the Union steward before he could give the work-site locations or reveal the numbers of Local 443 members employed by Saab Neither the manager nor anyone else from Saab ever further responded to Marston

The essence of Marston's protest is that he was not notified either by the Local Union or the employer as to the work-site locations of members of Local Union 443 employed by Saab There are twenty-five to thirty Local 443 members employed by Saab

Marston states that prior to his visit to Saab he called the Local Union office and spoke to Secretary-Treasurer Edward Brereton He says that he told Brereton that he

wanted to review the collective bargaining agreements for the purpose of determining work-site locations of members of the Local Brereton has denied that this conversation ever took place

Marston states that he then went to the Local Union office to review the collective bargaining agreements. The agreement with Saab contained only the address of the corporate office, the location which Marston and Smith visited on February 15, 1991. When reviewing the agreement with Saab, Marston contends that he told the Local Union officers that the agreement does not provide work-site locations and asked for such locations.

Felix Delgiudice, Local 443 President, was present when Marston was in the Union office. He recalls that Marston made an off-hand remark that the Saab agreement did not contain work-site locations but contends that Marston never specifically asked any of the Local officials for the work-site addresses.

Norman Zolot, the Local's attorney told the Election Office that the Local does not have a document which contains a list of work-site locations. Mr. Zolot states if the Local had been specifically requested by Marston to provide the Saab work-sites, the Local would have done so.

Article VIII, § 1(a) of the *Rules* provides in pertinent part.

Each delegate candidate and each nominated International Officer candidate has the right to inspect and make notes from all collective bargaining agreements covering any member of the Local Union. This right includes the right to inspect and make notes from the documents identifying employer members of employer associations signatory to collective bargaining agreements covering any member of the Local Union.

Article VIII, § 1(c) further states that "the right to inspect and make notes from collective bargaining agreements may be satisfied by the Local Union providing, within the five days set forth above, a list of all the sites with addresses where any and all of its members work. Such work-site list shall be arranged by employer name."

The purpose of Article VIII, § 1 of the *Rules* is to afford candidates an important campaign right: the right to know the employer locations where members work. The *Rules* recognize that the most effective means of campaigning is face-to-face exchanges between IBT members regarding the candidates and issues of the campaign. The obvious intent of the *Rules* is to allow candidates the opportunity to meet with and campaign at locations where members are congregated, and to bring their campaign to IBT members at their jobs. See, Election Officer Commentary on Final IBT Election *Rules*, ¶ 14 at pages 19-20.

Collective bargaining agreements that do not yield employer addresses may not allow the essential purpose of the *Rules* in providing this campaign right to be satisfied.

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The right to be informed concerning where members work and the right to campaign face-to-face with members at those locations could be severely undermined, and in some circumstances completely abrogated, when a Local Union only provides a candidate with collective bargaining agreements that do not contain employer addresses, or all work-site locations.

Here the collective bargaining agreement did not contain the specific work-sites of members employed by Saab, Inc. Although some controversy exists as to whether Marston specifically requested the Saab work-site locations from the Local, the instant protest constitutes such a request. The Local has told the Election Officer that it would provide Marston with the Saab work-sites upon his request. The Local is hereby directed to do so. Saab Cars USA, Inc. has also informed Adjunct Regional Coordinator Hank Murray by letter that Local 443 members employed by it work at 1200 Northrop Road in Meriden, Connecticut.¹ Since the requested information has now been provided, the protest is considered **RESOLVED**.

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
Geraldine Leshin, Election Office Regional Coordinator

¹Saab has also advised that IBT members not employed by it may campaign in the employee parking lot at 1200 Northrop Road after first giving notice of their intent to so campaign to Thomas P. Reis, Director of Human Resources, 203-795-7875.