



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMS...RS
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Michael H Holland
Election Officer

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March 8, 1991

VIA UPS OVERNIGHT

James Graef
c/o S E Texas T D U
2730 Commerce
Liverpool, Texas 77577

Richard Hammond
President
IBT Local Union 988
3100 Katy Freeway
Houston, Texas 77270

Re: Election Office Case No. P559-LU988-SOU

Gentlemen

James Graef filed this pre-election protest 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, Mr Graef alleges that the results of the nominations meeting for Local 988 as posted by Richard Hammond, President of Local 988, and a nominated candidate for delegate to the 1991 IBT International Convention, violated the *Rules* in the following ways It was printed on stationery of the Local which included, in the letterhead, Mr. Hammond's name as President. The notice was also signed by Mr. Hammond as the Local's President. Finally, while the notice provided the slate name of all candidates on Mr. Hammond's slate, it listed all other candidates who are members of the Rank and File Slate as "Nominated as an Individual."

The investigation reveals the following Richard Hammond acknowledges preparing and posting the notice of the nomination results in the manner described by Mr Graef

Mr Hammond states that the notice was approved by Larry R Daves, Regional Coordinator Larry R Daves denies ever seeing or approving the format of the notice of the results of the nomination meeting Mr Daves also states that he told Mr Hammond to include both slates on the results of the nomination meeting notice

In the "Advisory on Posting Nomination Results" issued on December 10, 1990, the Election Officer states that Article II, Section 4 of the *Rules* requires the posting of the list of the nominated delegate and alternate delegate candidates no later than seven days after the nomination The posted list must contain the names and slate affiliations of any and all candidates nominated All such postings shall be on blank Union

James Graef
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letterhead, that is, on letterhead that has no names of Local Union officers, business agents, Union staff, or the like. If such letterhead is unavailable, than the posting shall be on plain paper.

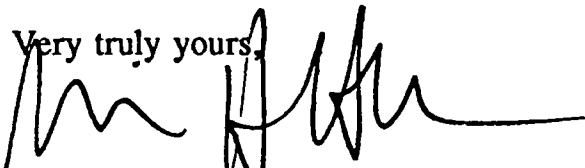
Here, the posting contained the name, as part of the printed letterhead, as well as the signature of Richard A. Hammond as President and Business Manager of IBT Local Union No. 988. Mr. Hammond's name was also listed as a nominated candidate under the Leadership Team Slate.

Furthermore, the only slate listed on posted nomination meeting results was the Leadership Team Slate. The Rank and File Slate which had properly submitted its slate declaration form to the Local was not named on the posted notice; the candidates on its slate were not identified as slate members.

The results of the nominations meeting as prepared and posted by Local 988 failed to meet the requirements of the *Rules*. Accordingly, the protest is GRANTED.

To remedy this violation, Local 988 shall correct and repost, within forty-eight (48) hours of its receipt of this decision, the results of the nominations meeting. Such corrected notice shall be on Union letterhead which does not bear the names of any Local officer, or on plain paper. The corrected notice shall contain the slate affiliations of all candidates nominated at the Local 988 nominations meeting. The corrected notice shall be posted on all Union bulletin boards as set forth in Article II, § 4 of the *Rules*.

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

IN RE:	:	91 - Elec. App. - 100 (SA)
JAMES GRAEF,	:	
Complainant,	:	
and	:	DECISION OF THE
RICHARD HAMMOND,	:	INDEPENDENT
IBT LOCAL UNION NO. 988	:	ADMINISTRATOR
Respondents.	:	

This matter arises out of an appeal from a March 8, 1991, decision of the Election Officer in Case No. ~~91-100-100~~. A hearing was held before me by way of telephone conference on March 15, 1991, at which the following persons were heard: Richard Hammond, on behalf of the appellant, Local 998; James Graef, the complainant; John J. Sullivan, on behalf of the Election Officer; and Larry Daves, the Regional Coordinator.

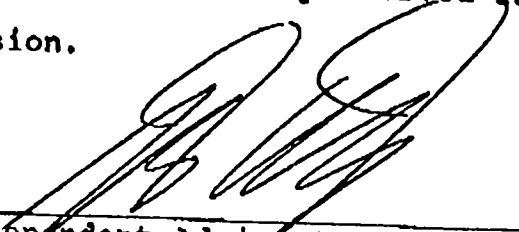
Mr. Graef, a member of Local 988, objected to the February 15, 1991, posting of the results of the Local's nomination meeting on several grounds. The Election Officer reviewed that protest, found merit to it, ordered the Local to repost the nomination results in conformity with the determinations of the Election Officer. The Election Officer's conclusions and findings are embodied in his Summary, a copy of which is attached hereto as Exhibit A. At the hearing before me, the Election Officer noted that the Local's violations of the Rules For The IBT International Union Delegate And Officer Election (the "Election Rules") were technical violations.

By letter dated March 12, 1991, the Local appealed the Election Officer's ruling and stated that:

The Local Union is complying with Mr. Holland's directive and is posting a new notice of Nominations on all Union bulletin boards as is the requirement. This request for a hearing is not to prevent the posting of the corrected notice, that will have been accomplished by the time you receive this request for an appeal. This request for a hearing is to set the record straight and correct the gross misstatements of facts and to provide you with a clear picture of the actual facts of this case.

Attached to the Local's March 12, 1991, letter requesting a hearing was a Statement on Appeal setting forth the Local's position. The Local's March 12, 1991, letter along with its Statement on Appeal is attached hereto as Exhibit B.

Given the fact that the underlying protest has been resolved and the Local has complied with the Election Officer's remedy, I need not resolve the disputed issues of fact raised by the Local. In short, the controversy has been rendered moot by the Local's cooperation. I commend the Local highly for its willingness to cooperate with the Election Office despite its disagreement with certain of the Election Officer's findings. The Local's position is clearly set forth in its Statement on Appeal and is preserved in the record as an exhibit to this Decision.


Independent Administrator
Frederick B. Lacey
By: Stuart Alderoty, Designee

Dated: March 19, 1991.