



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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March 15, 1991

VIA UPS OVERNIGHT

C Stephen Hayden
713 Shawnee Trail
Wilmington, NC 28412

R V Durham
President
IBT Local Union 391
3100 Sandy Ridge Rd
Colfax, NC 27235

Russell H Hogan
Secretary-Treasurer
c/o Local Union 391
6317 Anger Dr
Raleigh, NC 27613

Re: Election Office Case No. P-589-LU391-MID

Gentlemen.

A pre-election protest was timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest, Steve Hayden contends that Russ Hogan has violated the *Rules* by using Local Union resources to finance the printing, distribution and posting of a letter the purpose of which was to undermine Hayden's campaign and his slate's campaign for delegate to the 1991 IBT International Convention

The protest was investigated by Adjunct Coordinator Griff Morgan The investigation reveals the following Hayden is a delegate candidate on the Teamsters for Reform Slate Hogan is a delegate candidate on the Durham/Blevin Unity Team slate Hogan is also the Union Business Agent responsible for the Local's membership in and around Wilmington, North Carolina The Teamsters for Reform slate organized a meeting for March 2, 1991 in Wilmington, North Carolina at the Ramada Inn The meeting was advertised through personal phone calls and with a flyer

When Hogan learned of the meeting he prepared a notice to be posted on all bulletin boards in Wilmington, using official Union stationery, advising the membership that no meeting of the Teamsters Union was being held in Wilmington on March 2 The notice was dated February 18, 1991 It was distributed through the thirteen shop stewards who service the Wilmington terminals The notice also informs the

membership that they can call the Local Union Hall for more information about Local Union meetings. Hogan informed Adjunct Morgan that he had not seen the flyer announcing the Reform Slate meeting at the time he distributed his notice, but that he "had some sense of who scheduled the meeting." Hogan also states that he prepared the notice because he did not want any confusion about who was sponsoring the meeting.

Hogan did not, however, retract the notice once he was aware of the contents of the Reform Slate's flyer, which flyer on its face clearly demonstrates that the March 2, 1991 meeting is a campaign rally not a Local Union meeting. The announcement of the March 2 meeting clearly identified the sponsors of the meeting as the Rank and File Teamsters for Reform. A Local Union steward, Al Joyner, from the Wilmington area told Adjunct Coordinator Morgan that he was not confused as to the identity of the sponsors of the meeting and did not believe other members were confused. It was Joyner's opinion that a notice from the Local Union was not necessary for "clarification" purposes.

The meeting proceeded, with 50 persons in attendance. There are approximately 130 IBT members in the Wilmington area. The organizers of the meeting, including Hayden, believe more members would have attended but for the posting of the letter from Local 391.

The *Rules* prohibit the use of Union funds, facilities, equipment, stationery, etc. to assist in campaigning unless the Union is reimbursed for such costs and such goods and services are equally available to all candidates and all candidates are notified in advance of the availability of such goods and services. *Rules*, Article VIII, § 10 (c). It follows that the *Rules* also prohibit the use of Union funds, stationery, etc. for the purpose of undermining the campaign or campaign activities of other members.

The Election Officer concludes that in this case, the Local 391 letter and the posting of that letter served to undermine the campaign of the Rank and File Reform Slate. While the Local claims that it did not intend the notice to serve as campaign literature or to undermine any candidate's campaign, that was, in fact, its effect, it interfered with the Reform Slate meeting by inferring that the meeting was not within the purview of appropriate Union activities.

Based on the foregoing, the *Rules* have been violated. To remedy the violation, the Election Officer orders the following:

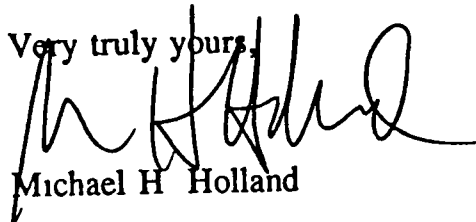
- (1) Local Union 391 shall cease and desist from using Union stationery, clerical services and funds to engage in campaign activity like or similar to the printing, distribution and posting of the letter at issue here,
- (2) Business Agent Russ Hogan shall sign and the Local shall post the attached notice on all Union bulletin boards in the Wilmington, North Carolina area, and

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- (3) Mr Hogan shall file an affidavit no later than March 28, 1991 indicating steps taken to comply with the above order

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
Grant Crandall, Regional Coordinator

NOTICE TO TEAMSTER MEMBERS

You have the right to participate in campaign activities on behalf of candidates for delegate and alternate delegate to the 1991 IBT Convention

You have the right to participate in campaign activities on behalf of candidates for International Office in the IBT including organizing and attending meetings to meet candidates and to discuss campaign issues

It is a violation of the *Rules* for the Union to finance the publication or distribution of campaign literature including literature which disparages or undermines any campaign or candidate

Protests regarding *Rules* violations are to be filed with the Election Officer. Copies of the *Rules* regarding campaigning and other election activities may be obtained from the Election Officer by calling his toll-free telephone number, 800-828-6496

IBT LOCAL UNION 391

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