



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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March 15, 1991

VIA UPS OVERNIGHT

Clifford E Primm
5026 Hammond St
Kernersville, NC 27284

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

C S Williams
V P & Business Agent
c/o Local Union 391
3100 Sandy Ridge Rd
Colfax, NC 27235

Re: Election Office Case No P-613-LU391-MID

Gentlemen

A pre-election protest has been 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, Clifford Primm alleges that campaign literature for the Rank and File Reform Slate has been removed from bulletin boards located at Roadway Express in Kernersville, North Carolina

The protest was investigated by Adjunct Coordinator Griff Morgan The investigation discloses the following There are three types of bulletin boards at Roadway company bulletin boards, Union bulletin boards, and general purpose boards The company and Union boards each have glass coverings, but the general use board is a cork board with no covering

Primm states that on February 20, 1991, he and Local 391 Business Agent Charlie Williams were in the outbound terminal breakroom of Roadway Express He and Williams were the only two people in the breakroom, when a maintenance man came into the breakroom and posted a three-page campaign leaflet for Ron Carey Mr Primm states that Williams removed the literature and began to read it, stating, "This is the biggest bunch of bullshit that you have ever heard " Williams then explained to Primm why the material was inaccurate Williams then put the literature in his pocket and did not repost it

Williams states that he does not recall this particular incident, but he admits that he consistently removes campaign material from all bulletin boards, including the general purpose bulletin board. He told Adjunct Coordinator Morgan that he has removed campaign literature for both the Durham/Blevins Unity Team slate and for the Rank and File Reform Slate, both slates of candidates competing in the delegate and alternate delegate elections with respect to Local 391, from all three types of bulletin boards at Roadway. Williams explained that he removed the literature from the Union and company boards because it was covering official notices. He removed the literature from the general purpose bulletin board because he did not feel it was necessary to clutter up the general purpose bulletin board with campaign literature since campaign literature was available on the tables. Williams states emphatically that he did not discriminate, but removed all campaign literature for all candidates and all slates.

The *Rules* provide that no restrictions shall be placed upon candidates' or members' pre-existing rights to use employer or Union bulletin boards for campaign publicity. Article VIII, § 10 (d). In an Advisory Regarding Political Rights, the Election Officer has interpreted the Rule to require that "where a bulletin board on the employer's premises has been used to post materials other than, or in addition to, official Union or employer notices, and even though such other postings have never included campaign postings, IBT members have a right to use the bulletin board for campaign postings, subject to the regulations previously applied to general purpose postings, such as the length of time the material may remain posted, the dimensions of the postings, and the like." Helton v. NLRB, 65 F 2d 883 (D C Cir 1981), ABF Freight System v. NLRB, 109 LRRM 3151 (8th Cir 1982).

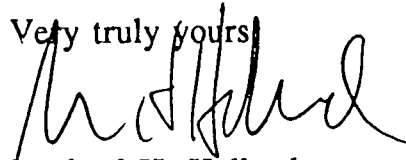
The Election Officer concludes in this case that IBT members have the right to post campaign materials on all general purpose bulletin boards located at the Roadway terminal in Kernersville, North Carolina. It is a violation of the *Rules* for the Local to remove such literature. To remedy the violation, the Election Officer orders the following:

- (1) The Local shall cease and desist and instruct all its officers, Business Agents, and stewards to cease and desist from removing campaign literature from general purpose bulletin boards at Roadway Express in Kernersville, North Carolina or at any other facility where Local 391 members are employed,
- (2) Business Agent Charlie Williams shall sign and the Local shall post the attached notice on all Local Union bulletin boards at the Kernersville, North Carolina Roadway Express facility, and
- (3) The Local and Mr. Williams shall file affidavits with the Election Officer no later than March 28, 1991 indicating all steps taken to comply with this Order.

Clifford E Primm
Page 3

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

You have the right to post campaign material on general purpose bulletin boards, that is all bulletin boards that have been used for purposes other than or in addition to the posting of official Union and company notices

It is a violation of the *Election Rules* for any company official, Union officer, business agent, steward, or member to remove campaign postings from such bulletin boards

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

Charlie Williams

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