



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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March 19, 1991

VIA UPS OVERNIGHT

John McCormick
6574 O'Hare
Portage, Indiana 46368

UPS
c/o Dennis Bartz
6800 W 73rd Street
Bedford Park, Illinois 60499

Daniel C Ligurotis
Secretary-Treasurer
IBT Local Union 705
300 South Ashland Avenue
Chicago, Illinois 60607

Louis Durano
c/o IBT Local Union 705
300 South Ashland Avenue
Chicago, Illinois 60607

Re: Election Office Case No. P-649-LU705-CHI

Gentlemen

A pre-election protest was filed in accordance with Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") The protest was filed by John McCormick, a member of Local 705 and a delegate and alternate delegate candidate in Local 705's upcoming delegate election In his protest, Mr McCormick alleges that he was unjustly warned about campaigning at his work-site by UPS officials in violation of the *Rules*

The investigation conducted by the Election Officer reveals the following facts Mr McCormick is employed at the United Parcel Service ("UPS") facility in Bedford Park, Illinois On March 8, 1991 Mr McCormick was summoned to the offices of Mr Bartz, who is the Division Manager at the UPS facility in Bedford, Illinois At the meeting, Mr Bartz informed Mr McCormick that he had been receiving reports that Mr McCormick was campaigning on company time in violation of company rules Mr Bartz also informed him that this was the second time that he had received information that Mr McCormick was campaigning on time that was not lunch-time or break-time Mr Bartz further stated that he checked Mr McCormick's time-card to verify the reports that he had received He further stated that "he didn't mean to treat Mr McCormick like a child, but that he was warning him that if he caught him again, that he would be subject to disciplinary action "

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The facts alleged by Mr McCormick in his protest do not constitute a violation of the *Rules*. The investigation shows that Mr Bartz's warning to Mr McCormick was due to the company's concern that Mr McCormick was violating company rules by campaigning during paid work-time.¹ Mr McCormick does not allege, nor do the facts indicate that UPS is discriminating against any particular group candidates in enforcing the company rule against campaigning on company time. There is no evidence, independent of the warning itself, of employer hostility to Mr McCormick's campaign activities for IBT delegate. There is also no evidence that the Local Union was involved in the company's decision to warn Mr McCormick. The Election Officer concludes that the basis for the warning was the employer's good faith belief that Mr McCormick had violated company rules by campaigning during work-time. Therefore the *Rules* have not been violated and the protest is **DENIED**.

However, notwithstanding the fact that there is no evidence of employer hostility, the Election Officer views such incidents as described above with great concern. The Election Officer representative has contacted UPS in reference to the *Rules* requirement that employers adhere to a policy of absolute neutrality in the 1991 IBT International Convention delegate elections and International Officer elections. UPS has reiterated its policy of complete neutrality to the Election Officer representative and has assured the Election Officer that it will further reiterate such policy to all of its supervisory employees. The company has further stated that it shares the Election Officer's concern that UPS adhere to a strict policy of absolute neutrality.

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/ads

¹The Election Officer's decision in this matter does not address the question of whether Mr McCormick was, in fact, campaigning on company time because the facts obtained pursuant to the Election Officer investigation of this issue are inconclusive.

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cc Frederick B Lacey, Independent Administrator

Julie E Hamos, Regional Coordinator

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