



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Election Officer

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April 4, 1991

VIA UPS OVERNIGHT

Lonnie Bedell
14 Nelkin Drive, Apt 131
Wallington, NJ 07057

George J. Lonergan
Secretary-Treasurer
IBT Local Union 641
714 Rahway
Union, NJ 07083

Re. Election Office Case No. P-698-LU641-NJE

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, Lonnie Bedell, a candidate for delegate, alleges that Local 641 has failed to post the nominations meeting results within the time period specified under the *Rules*

The protest was investigated by Regional Coordinator Edward Ellis and Adjunct Coordinator James Burke. The investigation discloses the following facts: Local 641 conducted a second nominations meeting, pursuant to the Election Officer's directives, on March 10, 1991. Bedell alleges that by March 21, 1991, the Local had failed to post the results of the nominations meeting. Mr. Bedell alleges specifically that the results were not posted at the Elizabeth and Pinebrook, New Jersey Yellow Freight facilities which are two of the largest facilities within the jurisdiction of Local 641.

Adjunct Coordinator James Burke, during the week of March 18, 1991, visited various job sites within the jurisdiction of Local 641, including six Yellow Freight facilities in Northern New Jersey (South Plainfield, East Brunswick, Newark, and Carlstadt). A notice of nomination results dated March 15 was properly posted at all of these facilities. At the Pinebrook, New Jersey Yellow Freight facility, the notice was not posted. Burke instructed the terminal manager to advise the shop steward to make an appropriate posting, which was done.

The notice was also not posted at the Elizabeth, New Jersey Yellow Freight facility at the time of Burke's visit. The Local's attorney, Albert Kroll, has advised that as of March 22, 1991, five separate notices had been posted at the Elizabeth facility, the first four had been defaced or torn down by persons unknown to the Local requiring the multiple postings and leading to brief periods during which no notice was posted.

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On March 27, 1991, Regional Coordinator Edward Ellis reported the results of the investigation to Local President Robert Contin and instructed him to communicate with all shop stewards on all jobs to make sure that the notices were properly posted and, if removed or defaced, reposted. Contin stated that he would comply with the request.

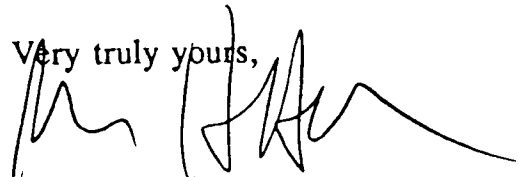
The *Rules* require the results of the nominations meeting to be posted within 7 days of the nominations meeting. *Rules*, Article II, § 4. In this case, the nominations results were not posted within 7 days at all facilities where Local 641 members are employed. However, posting was properly accomplished at most locations and notices removed or defaced reposted. Further, all members of Local 641 are aware that Bedell is a candidate for delegate. Pursuant to the decision of the Election Officer in Election Office Case No. P-367-LU641-NJE, the list of nominated candidates, including Bedell's name, was mailed to all Local 641 members. Moreover, the election in this Local will be conducted by mail ballot, thus providing further notice to all Local members of the contested nature of the election and the identity of the candidates.

The Election Officer concludes that the remedy imposed in P-367-LU641-NJE, as well as the mail ballot, will serve to cure any defects in the posting of nominations results sufficient to insure that adequate notice of the election and of the names of all candidates has been made available to the Local membership.

Based on the foregoing, the protest is DENIED.

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
Edward T. Ellis, Regional Coordinator