

***PRE-ELECTION
PROTEST
DECISIONS***

ELECTION OFFICE CASE NOS.

P-701-LU705-CHI to P-735-IBT

VOLUME XV

***Michael H. Holland
Election Officer
June 1992***

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H. Holland
Election Officer

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April 16, 1991

VIA UPS OVERNIGHT

Mike Jordan
2415 Sandy Ridge Road
Dyer, IN 46311

Daniel Liguotus
Secretary-Treasurer
Teamsters Local 705
300 S Ashland Avenue
Chicago, IL 60607

Anthony Hasto
c/o Roadway Inc
11241 72nd Street
Burr Ridge, IL 60525

Joseph Miano, Jr
Union Steward-Roadway Inc
6772 Adams Street
Merrillville, IN 46410

Leroy Ellis
18807 Oakwood Avenue
Country Club Hills, IL 60478

Re: Election Office Case No. P-701-LU705-CHI

Gentlemen

A pre-election protest¹ was timely filed pursuant to Article XI of the *Rules*. In his protest, Mike Jordan, a candidate for delegate on the Membership Slate, alleges that statements have been made to him that cause him to believe the Local and more particularly Local Union stewards will discriminate against him because of his election activity.

The protest alleges that on March 19, 1991, Jordan took a lunch break with a newly appointed Union steward, and two other Local 705 members, Edward Segal and Anthony Hasto. Jordan told Miano that he hoped there would be no animosity toward himself or any other member of the Membership Slate when the delegate election was concluded.

¹The election has been concluded in Local 705. The protest does not allege and the Election Officer does not find that the conduct investigated affected the outcome of the Election. The protest is not moot, however, because the campaign for International Officers will continue.

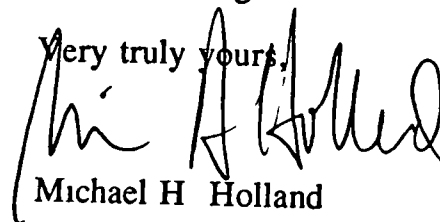
According to Jordan, Hasto, a member other than the newly appointed steward, stated "A lot of people won't forget what you did, and I will remind them everyday " Jordan states that the Union Steward Miano made no reply to these remarks

There is no other evidence of action or failure to act on the part of Steward Miano to support a claim that Jordan has been discriminated against by the Local because of his campaign activity The evidence of incidental remarks by the member who is not charged with representational responsibilities is insufficient to show that the *Rules* have been violated, or that Jordan has been discriminated against If evidence should develop that any Steward or other representative of the Local fails to fairly represent Jordan or other Local members or properly enforce the collective bargaining agreement on behalf of Jordan or other Local members because of campaign activities by such members, an additional protest can be filed

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
Peggy A Hillman, Regional Coordinator