



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 5, 1991

**VIA UPS OVERNIGHT**

Tommy H. Kitchens  
Rt 2, Box 169  
Perry, OK 73159

Charlie Thompson  
President  
IBT Local Union 886  
3528 W. Reno  
Oklahoma City, OK 73125

James E. Wood  
629 N W 20th  
Moore, OK 73160

John Chase  
UPS  
901 S Portland  
Oklahoma City, OK 73108

**Re: Election Office Case No. P-723-LU886-SOU**

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, Tommy H. Kitchens, a candidate for delegate, alleges that his employer, United Parcel Service (UPS), has denied his request for vacation time for campaign purposes, but that James E. Wood, a candidate for delegate on the opposing slate, has been permitted by UPS to take such vacation time to engage in campaign activity.

The investigation discloses the following facts. The employee vacation selection policy enforced by UPS in Oklahoma City requires employees to select in advance their vacation for the year. Once the selection is made, UPS prohibits changes in the vacation schedule on other than an emergency basis. James Wood, a candidate for delegate, had selected two weeks in May and two weeks in August as the time when he was to take his vacation. Subsequently, he sought to change one week of his vacation to the week ending April 6, 1991, citing personal and family reasons. UPS supervisors agreed to the change. Wood used some of the requested time for family matters and some of the time for campaign purposes. UPS had no knowledge that Wood intended to use any of the approved vacation time to campaign on the date the agreement was reached to alter his vacation schedule.

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After Wood commenced campaign activity, Tommy Kitchens, a candidate on an opposing slate, requested to change one week of his vacation schedule to take the week ending of April 13, 1991 as a vacation week, for campaign purposes. UPS denied the request, stating that if it had understood the non-emergency aspect of at least part of Wood's vacation request, he would not have been permitted to vary his schedule. Kitchens then filed the instant protest.

After the protest was filed, and pursuant to discussions with the Election Officer, UPS agreed to permit Kitchens to reschedule his vacation and thus take the week ending April 13, 1991 as a vacation week, so that he could have an opportunity to campaign equal to that afforded to Wood. UPS orally informed Kitchens on April 4, 1991, the date he filed this protest, that he could utilize the week ending April 13, 1991 as a vacation week.<sup>1</sup>

This offer to Kitchens by UPS does not alter in any way the UPS policy with respect to vacation schedules as described above. The Election Officer finds that neither the policy nor UPS's practice with respect to enforcement of the policy to be violative of the *Rules*.

The Election Officer finds that the offer of vacation time by UPS to Kitchens, whether or not accepted by Kitchens, resolves the instant protest.

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

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<sup>1</sup>UPS has notified the Election Officer that Kitchens now states that he no longer wants to use the week ending April 13, 1991 for vacation, although that was the very relief Kitchens sought in his protest.

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cc Frederick B Lacey, Independent Administrator  
Larry R Daves, Regional Coordinator

Martin Wald, Esq.  
Schnader, Harrison, Segal & Lewis  
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