

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

Michael H. Holland  
Election Officer

(202) 624-8778  
1-800-828-6496  
Fax (202) 624-8792

June 5, 1991

**VIA UPS OVERNIGHT**

Earl R. Richard  
3850 Clematis Ave.  
New Orleans, LA 70122

Rita Prendergast  
632 Taylorbrook Dr.  
Gretna, LA 70053

Mitchel Ledet  
President  
IBT Local Union 270  
2207 Royal St.  
New Orleans, LA 70177

Nolan LeBlanc  
Secretary-Treasurer  
IBT Local Union 270  
2207 Royal St.  
New Orleans, LA 70177

Re: Election Office Case No. P-739-LU270-SEC

Gentlemen:

A protest had been filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). In their protest, Earl Richard and Rita Prendergast, unsuccessful candidates for delegate on the Teamsters for Democracy Slate, allege that their job steward functions have been restricted by Secretary-Treasurer Nolan LeBlanc because of their campaign activity.

The protest was investigated by Regional Coordinator Don Williams. The protestors alleged that Local Union Secretary-Treasurer LeBlanc has refused to properly notify their employer that they are and/or remain stewards. They contend that his failure to do so is motivated by his hostility toward their delegate campaign.

The protestors contend that as a result of LeBlanc's failure to notify their employer that they are or remain stewards, they are being denied time off from work, released time, to which they are entitled pursuant to the terms of the collective bargaining agreement between their employer and the Union to utilize for processing grievances and performance of their other function as stewards. The investigation found that both Prendergast and Richards are in fact having difficulty in obtaining released time.

Earl R. Richard  
Page 2

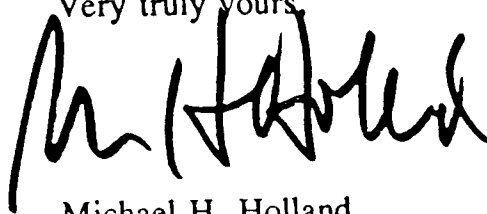
The Election Officer's investigation determined that the problems of which Richard and Prendergast complain are not new. The genesis of this dispute developed prior to the commencement of the delegate and alternate delegate election campaign with respect to Local Union 270. Indeed the protestors admit that the dispute arose shortly after they participated, in opposition to Secretary-Treasurer LeBlanc, in a Local Union officer election which was conducted under the supervision of the United States Department of Labor. The Election Officer, of course, has no jurisdiction with respect to exclusively Local Union officer elections. *Rules, Preamble.*

However subsequent to the filing of this protest, on May 31, 1991, Secretary-Treasurer LeBlanc officially notified, or renotified, the protestors' employer that both Prendergast and Richard were and are designated job stewards and entitled to released time pursuant to the terms of the collective bargaining agreement. Thus, regardless of the merits of this protest and regardless of the jurisdiction of the Election Officer, the Local Union has taken appropriate steps to notify the employer of the status of Prendergast and Richard and assure that they're entitled to the prerequisites under the Collective Bargaining Agreement of being a steward.

On this basis, and under these circumstances, the instant protest is considered **RESOLVED.**

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/mjv

cc: Frederick B. Lacey, Independent Administrator  
Donald H. Williams, Regional Coordinator