

***PRE-ELECTION
PROTEST
DECISIONS***

ELECTION OFFICE CASE NOS.

P-771-LU63-CLA to P-800-LU135-SCE

VOLUME XVII

***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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May 29, 1991

VIA UPS OVERNIGHT DELIVERY

Ray Nickum
The Informed Teamsters for the
Good of All Slate
c/o IBT Local Union 63
1616 West Ninth Street
Room 205
Los Angeles, CA 90015

Robert Marciel
Secretary-Treasurer
IBT Local Union 63
1616 West Ninth Street
Room 205
Los Angeles, CA 90015

Gerald Moerler
c/o The Delegates for
Ron Carey Slate
13104 Glen Court #40
Chino Hills, CA 91709

RE: Election Office Case No. P-771-LU63-CLA

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 his protest, Ray Nickum, head of the Informed Teamsters for the Good of All Slate ("Informed Teamsters Slate"), alleges that supervisors at Hoffman Brothers Packing Company ("Hoffman") have engaged in campaign activities in support of the opposing Delegates for Ron Carey Slate ("Carey Slate"). Specifically, the protest alleges that Hoffman supervisors held individual and group meetings on company property and on company time of Local 63 members employed by Hoffman during which meetings Hoffman supervisors urged the Local 63 members to vote for the Carey Slate.

The protest was investigated by the Election Officer's Washington, D.C. staff. The investigation discloses the following facts: Nickum states that he was campaigning at Hoffman sometime around May 13, 1991, and that he overheard IBT members who were not known to him mention that a supervisor was campaigning for Ron Carey and/or the Carey Slate. Nickum referred the Election Office to Robert Aquino, President of Local 63, and Hector Velez, Recording Secretary of Local 63 and business agent for Hoffman for more detailed information.

Robert Aquino states that he has no personal knowledge of supervisors campaigning at Hoffman, but that he had heard that a supervisor named Dick Creagh had done so. Aquino stated that Hector Velez would know about the incident.

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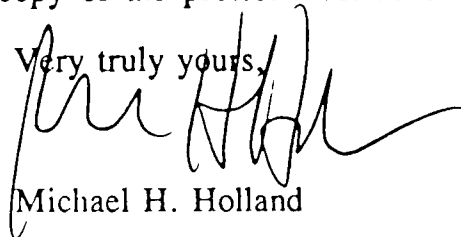
Hector Velez was deposed on May 23, 1991. He was asked during that deposition about the instant protest. Velez stated that he had no knowledge of any campaign activities on behalf of any delegate, alternate delegate or International officer candidate by Creagh or any other supervisor employed by Hoffman.

Creagh, who is the comptroller of Hoffman Foods, denies that he has engaged in any campaign activity on behalf of the Carey slate, Ron Carey or any other candidate for delegate, alternate delegate or International office in the IBT. He denies that he or any other supervisory employees of Hoffman held any meetings urging that Local 63 members employed by Hoffman vote for the Carey Slate.

Rules, Article X §1(b)(1) prohibit employers from making contributions to the campaign of any candidate. Holding meetings on company property on company time urging IBT members to vote for a particular candidate or slate of candidates would constitute a prohibited contribution. There is no evidence in this case, however, to demonstrate that such contributions occurred or that the *Rules* were otherwise violated. Accordingly 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/pjm

cc: Frederick B. Lacey, Independent Administrator

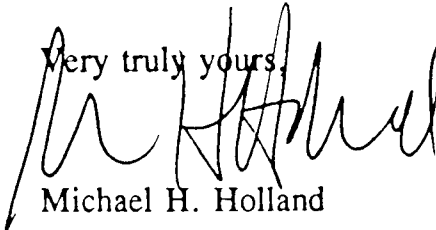
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The investigation shows that Moerler did not work on May 12, 13, 14, 15 or 16, 1991. Moreover, Vons' trucks are equipped with computers which record every movement of the vehicle. The computer data compilation is then printed and reviewed by Vons' management. Vons does not permit or condone the use of its vehicles for other than company business. The evidence does not show any exception was made for Moerler.

The *Rules*, Article X §§ 1 and 2 (b) (1), prohibit employers from making financial contributions or otherwise to any individual IBT member's campaign. Permitting a candidate to use a company vehicle for campaigning other than campaigning incidental to work, see *Rules*, Article VIII §10 (a), would violate the *Rules*. See Definitions (6). However, the evidence in this case does not demonstrate that the *Rules* have been violated. Accordingly, 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/pjm

cc: Frederick B. Lacey, Independent Administrator
Geraldine L. Leshin, Regional Coordinator