

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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August 1, 1991

**VIA UPS OVERNIGHT**

Art Persyko  
1017 Castro Street  
San Francisco, CA 94114

Ron Wells  
Secretary-Treasurer  
IBT Local Union 85  
459 Fulton Street  
San Francisco, CA 94102

Derek Brown  
619 Springfield Way  
Mill Valley, CA 94941

Michael Thelen  
c/o IBT Local Union 85  
459 Fulton Street  
San Francisco, CA 94102

**Re: Election Office Case No. P-793-LU85-CSF**

Gentlemen:

A protest was filed pursuant to Article XI, § 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Art Persyko, a member of Local Union 85. Mr. Persyko contends that Derek Brown, an unsuccessful candidate for delegate to the IBT International Union Convention, in conjunction with Local 85 business agent Mike Thelen attempted to harass and intimidate him by contacting his employer concerning his participation in a hearing before the Independent Administrator.<sup>1</sup>

The allegations of the protest were investigated by Regional Coordinator Don Twohey. Mr. Persyko is employed by Consolidated Freightways. The Terminal Manager of Consolidated Freightways, Don Strong, when contacted by the Regional Coordinator, denied receiving calls from anyone concerning Mr. Persyko's participation in the hearing. Mr. Persyko identified Rob Willat, dispatcher for Consolidated Freightways, as the person receiving the call. Mr. Willat stated that he had no

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<sup>1</sup>Mr. Brown contended that Mr. Persyko was on work time and being paid by his employer during the period he participated in the hearing. Mr. Brown's protest arguing that Mr. Persyko's participation on work time violated the *Rules* was denied by the Election Officer. See Election Office Case No. P-756-LU85-CSF, affirmed 91-Elec.App.-155 (SA).

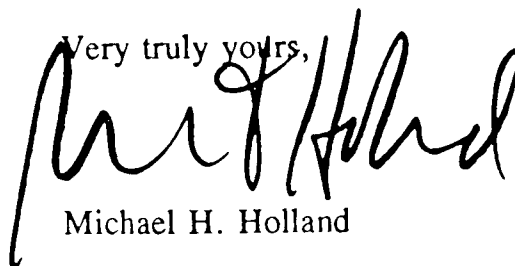
Art Persyko  
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recollection of any call from either Messrs. Brown or Thelen regarding Mr. Persyko. Mr. Willat admitted receiving many messages for Mr. Persyko but denied ever being contacted by anyone seeking to "make trouble" for Mr. Persyko. Mr. Strong also asserts that he never received any information or contacts from the Union attempting to "make trouble" for Mr. Persyko.

Based on the results of the investigation as described above, the Election Officer determines that neither Mr. Brown nor Mr. Thelen contacted Mr. Persyko's employer, Consolidated Freightways, in an attempt to create a problem for Mr. Persyko or between Mr. Persyko and his employer. Clearly, the employer's representatives have stated that they have no recollection of such contacts. Thus, any such contacts were innocuous at best and not perceived as complaints against Mr. Persyko or his work performance nor as an attempt to create a work-related problem for Mr. Persyko. 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,

A handwritten signature in black ink, appearing to read "Michael H. Holland", written in a cursive style.

Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator  
Donald E. Twohey, Regional Coordinator