

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

September 26, 1991

**VIA UPS OVERNIGHT**

Edward Gabriel  
3728 S. Austin Blvd.  
Cicero, IL 60650

William Joyce  
Secretary-Treasurer  
IBT Local Union 710  
4217 S. Halsted St.  
Chicago, IL 60609

Leroy Ellis  
18807 Oakwood Avenue  
Country Club Hills, IL 60478

Walter Shea  
c/o Robert Baptiste, Esquire  
Baptiste & Wilder  
1919 Pennsylvania Avenue, N.W.  
Suite 505  
Washington, D.C. 20006

Consolidated Freightways, Inc.  
7350 W. 103rd St.  
Bridgeview, IL 60455

Wayne R. Mazurkiewicz  
2004 E. 216th Court  
Sauk Village, IL 60411

Robert McGinnis  
6319 Lavergne  
Chicago, IL 60638

Yellow Freight System, Inc. of Delaware  
10990 Roe Avenue  
Overland Park, KS 66207

**Re: Election Office Case No. P-873-LU710-CHI**

Gentlemen:

Protests were filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by, or on behalf of, a number of IBT members of Local Unions in the Chicago area, including Leroy Ellis, a nominated candidate for International Union Vice President from the Central Conference. The protests all contend that nominated General President candidate Walter Shea, other candidates on the Shea-Liguorotis Unity Team Slate and their supporters were permitted access to the interior of the Ridgeview, Illinois facility of Consolidated Freightways for campaign purposes. In addition, one protest contends that Mr. Shea, other candidates on his slate and campaign supporters were permitted access to the interior of the Chicago Ridge facility of Yellow Freight for campaign purposes. The protestors all contend that General President candidate Ron Carey, other candidates on his slate including Mr.

Ellis and their campaign supporters have been denied similar access. The protest was investigated by the Chicago Regional Office of the Election Officer.

The investigation disclosed that Mr. Shea, other candidates on his slate and two non-candidate supporters were permitted to enter the Chicago Ridge facility of Yellow Freight. They remained in the facility approximately one-and-a-half hours, toured the facility unescorted by management officials during that time, meeting and talking to IBT members employed there. Mr. Shea, other candidates on his slate and their supporters were also permitted access to the Bridgeview, Illinois facility of Consolidated Freight. They remained in that facility for approximately 20 minutes, walked around the dock area, shaking hands, and taking pictures with IBT members employed in that area. They also had a special "meeting" and engaged in a photo session with IBT members employed as "spotters" by Consolidated.

During the course of the investigation, evidence was also uncovered demonstrating that Mr. Shea had been permitted access to the Chicago area Roadway Services, Inc. facility. Additionally, the Election Officer investigation discovered that Mr. Shea was permitted access to the Chicago area facility of Carolina Freight. At the Carolina Freight facility, however, he was only permitted access for five minutes, and while permitted to address IBT members employed at this facility, was only permitted to discuss, and only did discuss, non-campaign related matters.

After being contacted by representatives of the Election Officer, all four employers agreed, consistent with the Election Officer position, that all other nominated candidates for International office not yet permitted access to these employers' facilities would be permitted such access to those specific facilities, consistent with the access heretofore provided to Mr. Shea.<sup>1</sup> The access so permitted shall be the same access as was afforded Mr. Shea and the other candidates on his slate. Thus, for instance, Carolina Freight need not allow access for a period in excess of five minutes and need not permit the nominated candidate to talk to the IBT members employed at the facility about campaign-related matters. Each nominated candidate shall be permitted access on a single occasion. Reasonable prior notice, and the Election Officer determines that 48 hours prior notice constitutes reasonable prior notice, shall be given to the terminal manager at each facility.

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<sup>1</sup> During the course of the investigation, the Election Officer determined that nominated General President candidate Ron Carey would be in the Chicago area for campaign purposes on Wednesday and Thursday, September 25 and 26, 1991. In order to permit Mr. Carey to have access to these four specific terminal facilities consistent with the employers' agreement, Mr. Carey's campaign was orally notified of such right on Tuesday, September 24, 1991. Further, all employers agreed to permit such access on shorter notice than would otherwise be available.

Based on the foregoing, these protests are 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  
Julie E. Hamos, Regional Coordinator

Ron Carey  
c/o Richard Gilberg, Esquire  
Cohen, Weiss & Simon  
330 West 42nd Street  
New York, NY 10036-6901

R. V. Durham  
c/o Hugh J. Beins, Esquire  
Beins, Axelrod, Osborne  
& Mooney  
2033 K St., NW  
Suite 300  
Washington, D.C. 20006-1002

Arthur Hackworth, General Counsel  
Consolidated Freightways, Inc.  
3240 Hillview Avenue  
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Daniel Hornbeck, Esquire  
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10990 Roe Avenue  
Overland Park, Kansas 66207

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100 W. Monroe  
Suite 1500  
Chicago, IL 60603

Roadway Express, Inc.  
Attn: Phil Stanoch, V.P. for Labor Relations  
2000 Lincoln Highway  
Chicago Heights, IL 60411

Carolina Freight  
Attn: Gary Behling, Director of Labor Relations  
1900 Lincoln Highway  
Sauk Village, IL 60411

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September 30, 1991

**VIA UPS OVERNIGHT**

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Overland Park, KS 66207

**Re: Election Office Case No. P-873-LU710-CHI  
(Amended)**

Gentlemen:


By letter dated September 26, 1991, the Election Officer issued his decision in the above matter. In the decision, the Election Officer found that General President candidate Walter Shea and other candidates on the Shea-Ligurotis Action Team and their supporters had been permitted access to the facilities of certain employers of IBT members for campaign purposes. The decision further noted that all such employers had agreed that they would permit other nominated candidates for IBT International Union office access to their facilities for campaign purposes similar to the access granted Mr. Shea, the other candidates on the Shea-Ligurotis Action Team slate and their supports.

Roadway Express, Inc., one of the employers at issue in this protest, did not so agree. The Election Officer apologizes for stating that Roadway Express did so agree

when no agreement had been proffered by Roadway Express. The *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") require, however, that all candidates for International office be treated equally; the *Rules* require access when granted to one IBT member or candidate be granted all similarly situated members or candidates. *Rules*, Article VIII, § 10(d).

Since the Election Officer determined that access was granted by Roadway to certain candidates, the *Rules* require that all candidates be treated equally. Accordingly, the Election Officer determines that Roadway Express, Inc. is obliged to provide all candidates for IBT International office the same access to its Chicago area facility as the access afforded to Mr. Shea and other candidates on his slate.<sup>1</sup> Each nominated candidate shall be permitted access on a single occasion. Reasonable prior notice, and the Election Officer determines that 48 hours prior notice, shall be given to the terminal manager of the Chicago area Roadway facility.

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  
Julie E. Hamos, Regional Coordinator

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<sup>1</sup> See Election Office Case No. P-894-LU337-MGN, affirmed 91-Elec. App.-188 (SA).

Ron Carey  
c/o Richard Gilberg, Esquire  
Cohen, Weiss & Simon  
330 West 42nd Street  
New York, NY 10036-6901

R. V. Durham  
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Roadway Express, Inc.  
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Richard J. Bennett, Senior Attorney  
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1077 Gorge Boulevard  
Akron, OH 44309-0088



Edward Gabriel *et al*  
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Carolina Freight  
Attn: Gary Behling, Director of Labor Relations  
1900 Lincoln Highway  
Sauk Village, IL 60411

IN RE:

91 Elec. App. 197 (SA)

EDWARD GABRIEL, LEROY ELLIS  
ROBERT MCGINNIS, WAYNE  
MAZURKIEWICZ,

and

CONSOLIDATED FREIGHTWAYS, INC.  
YELLOW FREIGHT SYSTEM, INC.  
ROADWAY EXPRESS, INC.  
CAROLINA FREIGHT, INC.

and

IBT LOCAL UNION NO. 710

DECISION OF THE  
INDEPENDENT  
ADMINISTRATOR

This matter arises as an appeal of the Election Officer's decision in Case No. ~~710-1991-0001~~. A hearing was held before me by way of teleconference on October 3, 1991, at which the following persons were heard: John Sullivan for the Election Officer; Julie E. Hamos, the Regional Coordinator; Susan Davis for the Committee to Elect Ron Carey; Hugh J. Beins for the Durham Unity Team; Robert McGinnis, the complainant; Marvin Gittler for IBT Local Union 710; Mark Kupree; and Archie Cook.

The protests investigated by the Election Officer involved allegations that four employers of IBT members in the Chicago area extended rights of access to some but not all candidates running in the IBT International Officer election. The four employers were: Consolidated Freightways Inc., Yellow Freight System, Inc., Roadway Express, Inc., Carolina Freight, Inc. The Election Officer determined that the four named employers had in fact allowed Walter Shea, a candidate for IBT General President, to campaign at their


facilities. Therefore, the Election Officer directed the employers to allow the same access to all other candidates for IBT International Offices.

None of the employers appealed from this decision. Accordingly the only real issue present at the hearing before me was a compliance issue with one of the four employers. Compliance matters, however, are handled by the Election Officer.

The impetus behind this appeal was apparently the belief by McGinnis and other members of Local 710 that the Union Officers who campaigned at these facilities did so on Union time in violation of the Election Rules. However, the Election Officer evaluated this allegation in connection with its overall investigation and determined that the officials in question were on vacation leave during the times they were campaigning. See Election Rules, Article X, Section 1.a. (4). Since the complainants have offered no evidence to support their naked allegation to the contrary, there is no reason to question the conclusion of the Election Officer on this point.

### Conclusion

Accordingly, I affirm the decision of the Election Officer in all respects.

  
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Frederick B. Lacey  
Independent Administrator  
By: Stuart Alderoty, Designee

Dated: October 4, 1991