

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 11, 1991

VIA UPS OVERNIGHT

William Fleeger
4151 Bethel
Houston, TX 77092

Richard A. Hammond
President
IBT Local Union 988
3100 Katy Freeway
Houston, TX 77270

Tom Kelleher
General Manager
Houston Dairy
701 Waugh
Houston, TX 77019

Re: Election Office Case No. P-876-LU988-SOU

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by William Fleeger, a member of Local Union 886 employed at Houston Dairy. In his protest, Mr. Fleeger contends that campaign materials for Ron Carey, candidate for International General President, posted on the general purpose bulletin boards have been removed on two (2) occasions, August 15 and 19, 1991.

Both the Local and Houston Dairy agree that IBT members employed by Houston Dairy have free use of certain bulletin boards for the purpose of posting campaign materials. See Election Office Case No. P-417-LU988-SOU. Neither the Local nor Houston Dairy has any knowledge of campaign materials being removed. Mr. Fleeger has no knowledge as to the individuals who removed the literature.

Under Article VIII §10(d) of the *Rules* IBT members have the right to post campaign materials on bulletin boards at their employer's premises that have been provided for campaign postings or that historically have been used for posting of materials other than or in addition to official company and Union notices. It is a violation of the *Rules* for any member or other individual to deface or remove campaign literature so posted.

The Election Office investigation revealed that properly posted campaign material has been improperly removed. However, the evidence here establishes that neither Local

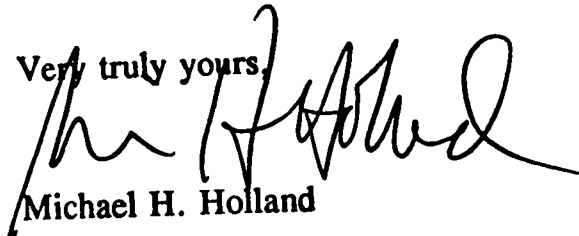
William Fleeger
September 10, 1991
Page 2

Union 988 nor Houston Dairy, nor any of their officers, agents or employees removed the campaign literature posted at Houston Dairy. The investigation was unable to identify the person or persons who violated the *Rules*.

However, to prevent future violations, the Election Officer will require that Local Union 988 post copies of the notice attached to this decision on all Union and general purpose bulletin boards at Houston Dairy. The posting of this notice will help to ensure that all IBT members employed at Houston Dairy are aware of the *Rules* and the fact that removal of posted campaign literature violates the *Rules*. The posting shall be accomplished within seven (7) days of the date of this decision. The Local is further directed to submit an affidavit evidencing compliance with this determination within ten (10) days of the date of this decision.

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/cb

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

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% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H. Holland
Election Officer

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Fax (202) 624-8792

**NOTICE TO TEAMSTER MEMBERS
FROM MICHAEL H. HOLLAND, ELECTION OFFICER, IBT**


You have the right to participate in campaign activities on behalf of candidates for International Office in the IBT.

Your have the right to engage in such campaign activities, including the distribution of campaign materials, on the employer's premises in non-work areas during non-work time.

You have the right to post campaign materials on bulletin boards which have been designated for campaign postings.

Any interference with these rights including the removal or defacement of campaign materials from bulletin boards is a violation of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990.

Any protest you may have regarding your rights to engage in campaign activities or interference with those rights under the *Rules* should be filed with Michael H. Holland, Election Officer, at the above address.


MICHAEL H. HOLLAND
Election Officer, IBT

This is an official notice and must remain posted for thirty (30) consecutive days from the day of posting, and must not be altered, defaced, or covered with any other material.

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 25, 1991

VIA UPS OVERNIGHT

William Fleeger
4151 Bethel
Houston, TX 77092

Richard A. Hammond
President
IBT Local Union 988
3100 Katy Freeway
Houston, TX 77270

Tom Kelleher
General Manager
Houston Dairy
701 Waugh
Houston, TX 77019

Re: Election Office Case No. P-876-LU988-SOU

Gentlemen:

By letter filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"), William Fleeger, a member of Local Union 886 employed at Houston Dairy and the original protestor in the above-entitled case, contends that the notice which the Election Officer required to be posted in his September 11, 1991 decision in the above case, has been removed from the Local Union bulletin board. A copy of such letter is enclosed.

The Election Officer in his September 11, 1991 decision in this matter directed Local Union 988 to post copies of a Notice to Teamster Members from Michael H. Holland, Election Officer, IBT -- which was attached to the September 11, 1991 decision -- on all Union and general purpose bulletin boards at Houston Dairy. The notice by its terms indicated that it was to remain posted for thirty (30) consecutive days from the date of posting.

From the terms of the compliance complaint, it appears that the Local complied with the requirement that the notice be posted, but that the notice, once posted, was or may have been removed from some or all of the Houston Dairy bulletin boards. Accordingly, and pending the resolution of this compliance matter, the Election Officer will direct Local Union 988 to recopy and repost the notice on all Union and general purpose bulletin boards at Houston Dairy where the notice is not now posted. Another copy of the notice is attached hereto for these purposes. Local Union 988 shall reduplicate and

William Fleeger
September 10, 1991
Page 2

repost immediately and submit an affidavit to the Election Officer within forty-eight (48) hours of the receipt of this letter, evidencing compliance with the requirement that it repost the notice.

The Election Officer will also investigate and issue a decision on the complaint received by Mr. Fleeger. This matter has been assigned for investigation to the Regional Coordinator whose name, address and telephone number appear below. All interested parties, including the person(s) filing the compliance complaint, the individual(s) named in the charge, as well as the Local Union and representatives of affected candidate(s), should immediately contact the Regional Coordinator with all information relevant to the allegations contained in the compliance complaint. Such information may include the names, addresses and telephone numbers of any witnesses or persons with information concerning the allegations of the compliance complaint. Similarly, any relevant documents should immediately be provided to the Regional Coordinator.

All parties are requested to fully cooperate with the Regional Coordinator in the investigation of this matter. Absent extraordinary circumstances, no party may rely upon evidence that was not provided to the Regional Coordinator in any appeal of the Election Officer's determination regarding the complaint.

Very truly yours,



Michael H. Holland

Enclosures

MHH/cb

cc: Larry R. Daves, Regional Coordinator
2313 N. Flores
Suite 101
San Antonio, TX 78212
Tel: 512-733-3299
Fax: 512-733-8466



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P.01

To: PROTES

SEP 23 1991 9-23-1991

MHA

BJH

ax (202) 624-8792

Mrs Holland

On 9-19-1991, the Business Agents Bill Gowell and the Chief Job Stewards Albert Jones posted your 9-11-1991 protest ruling notice.

On 9-23-1991 your ruling notice is no longer posted on the Loadout Union bulletin board.

Lee Sutton observed the absence of the notice with me. His phone number is 635-3024.

This Union board is in the Area Job Steward's work area and he would have been called upon to witness also but he refuses to speak to Lee Sutton or myself and has threatened to hit me with a case hook and have me fired.

I protest your notice being removed from the Loadout Union bulletin board. Some one is very serious about halting the democratic process and showing dis respect for your ruling and notice.

William J. Fleeger

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% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H. Holland
Election Officer

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**NOTICE TO TEAMSTER MEMBERS
FROM MICHAEL H. HOLLAND, ELECTION-OFFICER, IBT**

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MICHAEL H. HOLLAND
Election Officer, IBT

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Fax (202) 624-8792

Michael H. Holland
Election Officer

Chicago Office
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

October 14, 1991

VIA UPS OVERNIGHT

William Fleegeer
4151 Bethel
Houston, TX 77092

Richard A. Hammond
President
IBT Local Union 988
3100 Katy Freeway
Houston, TX 77270

Tom Kelleher
General Manager
Houston Dairy
701 Waugh
Houston, TX 77019

Re: Election Office Case No. P-876-LU988-SOU
(Compliance)

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by William Fleegeer, a member of Local Union 988 employed at Houston Dairy. In his protest, Mr. Fleegeer contended that campaign materials for Ron Carey, candidate for International Union General President, which were posted on the general purpose bulletin boards at Houston Dairy had been removed. By letter dated September 11, 1991 the Election Officer determined that the *Rules* had been violated by such removal but that neither Local 988 nor Houston Dairy removed the literature in question. The investigation was unable to identify the person or persons who violated the *Rules*.

Although not finding that the Local Union had participated in the removal of the campaign literature, the Election Officer required that the Local Union post copies of a notice advising all members of their campaign rights and the prohibition against removing posted campaign literature on all Union and general purpose bulletin boards at Houston Dairy in order to prevent future violations of the *Rules*. By its terms the notice was to remain posted for 30 days.

William Fleeger
October 14, 1991
Page 2

In accordance with the determination of the Election Officer, the notice was posted by Local Union 988. By letter dated September 23, 1991 the Election Officer was advised by Mr. Fleeger that the notice had been removed from one or more bulletin boards at Houston Dairy. Mr. Fleeger also complained he could not approach the chief steward, Albert Jones, regarding the removal as Mr. Jones refused to speak to Mr. Fleeger and has threatened him in the past. Pending investigation of this complaint, the Election Officer, by letter dated September 25, 1991, directed that Local Union 988 re-copy and re-post the notice on all Union and general purpose bulletin boards at Houston Dairy where the notice had been removed.

By letter dated September 27, 1991 Local Union 988 notified the Election Officer that the notice was posted on all but one bulletin board at Houston Dairy, that being the bulletin board located in the load out department. The Local reposted the notice on that board as directed by the Election Officer. The Local further provided the chief steward, Albert Jones, and Mr. Fleeger with multiple copies of the notice to permit them to replace any notice removed in the future.

The Election Office investigation revealed that the notice which the Election Officer directed to be posted had in fact been removed from one bulletin board. The evidence does not establish that Local 988 or any of its officers, agents or employees removed the notice. The investigation was unable to identify the person or persons who removed the notice and thus violated the direction of the Election Officer remedying the initial violation of the *Rules*.

As to Mr. Fleeger's contentions regarding Albert Jones, the Election Officer concludes that there is no evidence to support Mr. Fleeger's allegations that Mr. Jones' alleged prior threats, which purportedly caused Mr. Fleeger to be reluctant to seek his assistance, constitutes non-compliance with the September 11, 1991 determination of the Election Officer.¹

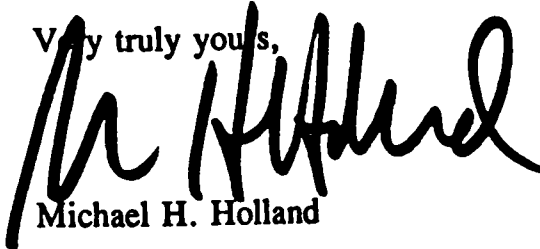
Accordingly, the Election Officer determines that the alleged failure to comply with the Election Officer's September 11, 1991 determination has been remedied; the Local Union has fully complied with the directives of the Election Officer. The Election Officer would further note that the Local's providing copies of the notice to Mr. Fleeger, with authorization to post the notice on Local Union bulletin boards, should effectively prevent any future problems with the notice.

¹ First, any protest as to past activity would be untimely. *Rules*, Article XI, § 1(a). Second, Mr. Jones denies threatening Mr. Fleeger. Mr. Jones does admit, however, that he avoids speaking to Mr. Fleeger except when necessary to do so for purposes of representation, due to what he contends is Mr. Fleeger's abusive language and behavior.

William Fleeger
October 14, 1991
Page 3

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/ca

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