

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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September 5, 1991

VIA UPS OVERNIGHT

W. Pete Bilyeu
President
IBT Local 413
555 E. Rich St.
Columbus, OH 43215

Henry Franchini
2571 Stonington Ave.
Grove City, OH 43123

Charles F. Teas
Secretary-Treasurer
IBT Local 413
555 E. Rich St.
Columbus, OH 43215

Re: Election Office Case No. P-878-LU413-CLE

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by W. Pete Bilyeu, President of Local Union 413 and a certified delegate to the 1991 IBT International Union Convention from Local Union 413. The protest concerns intra-Union charges heard by a Special Executive Board meeting of Local Union 413. The charges concerned group photographs of delegates and alternate delegates to the International Union Convention from Local 413 printed in the newsletter of the Local. The charges were in the form of a pre-election protest alleging that the publication of the photographs in the July, 1991 issue of the newsletter improperly provided Mr. Bilyeu with favorable publicity with respect to the pending election of Local Union officers of Local Union 413.

By the terms of the March 14, 1989 Consent Order in the *Rules*, the jurisdiction of the Election Officer extends only to the nomination and election process for IBT International Union Convention delegates, alternate delegates and International Union officers. The Election Officer has no jurisdiction with respect to the nomination or election processes, including the propriety of election campaigns, for Local Union Officers. See *Rules*, Preamble at 1-2; see also Election Office Case No. P-858-LU413-CLE.

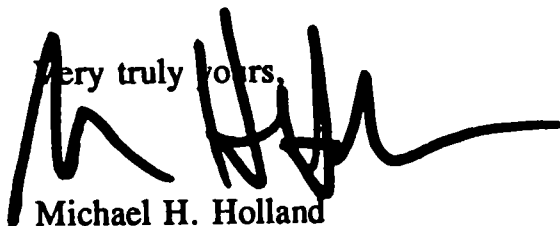
W. Pete Bilyeu
Page 2

The internal Union charges, although concerning a photograph of 1991 International Union Convention delegate and alternates, does not implicate the nomination election processes for International Union Officers. The internal Union protest concerns only the propriety of the newsletters' publication of that photograph with respect to the Local Union Officer election.

As noted above the jurisdiction of the Election Officer does not extend to the nomination election processes including campaigning for Local Union officers. Since the protest here implicates only the election processes for Local Union Officers, it is beyond the jurisdiction of the Election Officer. On this jurisdictional basis, 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/cb

cc: Frederick B. Lacey, Independent Administrator
Joyce Goldstein, Regional Coordinator