



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H. Holland
Election Officer

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October 11, 1991

VIA UPS OVERNIGHT

Mark Serafinn
50 North St.
Sauneman, IL 61769

Gerald F. Reilly
President
Teamsters Local 722
344 N. 30th Rd.
LaSalle, IL 61301

Consolidated Freightways
Attn John McGrath, Dispatch Mgr.
P.O. Box 481
Peru, IL 61354

Re: Election Office Case No. P-879-LU722-SCE

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Mark R. Serafinn, a member of Local Union 722. The protest alleges that employees have been disciplined by their employer, Consolidated Freight, in retaliation for their support of IBT General President candidate Ron Carey.

The protest was investigated by members of the Washington, D.C. staff of the Election Officer, Regional Coordinator Peggy Hillman and her staff, and Adjunct Coordinator Deborah Schaaf. Adjunct Coordinator Schaaf personally travelled to Local 722, reviewed all its records, and copied all warning letters received by Local 722 members employed by Consolidated.¹ Ms. Schaaf determined that between January 1, 1991 and September 1, 1991 that 168 Local 722 members employed by Consolidated received at least one warning letter from the company.

Mr. Serafinn was then asked to identify which of these 168 employees he claimed to be Carey supporters. Mr. Serafinn alleged that 146 of the 168 employees were Carey supporters. The Election Officer did not require any proof from Mr. Serafinn to substantiate these allegations. Similarly, the Election Officer did not require any

¹ Local 722 receives copies of all warning letters its members receive from their employer.

evidence that Consolidated was aware of these members' alleged support for Mr. Carey.

The Election Office investigators then attempted to contact the 146 members identified by Mr. Serafinn to determine if they were Carey supporters and inquire as to their subjective opinion of the fairness of the discipline each received. Of the 146 members, 55 were unreachable based upon the lack of adequate telephone information. Thirty-two of the members for whom the Election Officer staff obtained telephone numbers were not able to be contacted by Election Officer investigators despite numerous attempts to do so. Fifty-seven members were interviewed. One of these members hung up and refused to talk to the Election Office investigator. Thus, the staff of the Election Officer personally contacted over one-third of all members who were identified by Mr. Serafinn as being supporters of Mr. Carey and/or the Ron Carey Slate.

At the start of each interview, the Election Office investigator identified him/herself, explained that he/she was investigating a protest and indicated that the information that would be given would be kept confidential. Twenty-eight members stated they had not yet decided which International Union officer candidates that were supporting or were unwilling to disclose their choice to anyone. Twenty-seven members identified themselves as pro-Carey. Of these 27, eight indicated that their pro-Carey sympathies were secret and that they were certain that no one was aware of such sympathies. Nineteen of the 27 members who identified themselves as being supporters of Ron Carey also stated that their sympathies were public.² Of the 19 self-proclaimed public Carey supporters interviewed, 12 believed the warning letter issued to be fair or unrelated to their pro-Carey sympathies.

Of the total 56 members interviewed, seven identified themselves as public Carey supporters who believed their discipline to be unfair. There is no evidence that Consolidated was aware of these members' support of Mr. Carey and/or his slate. Without such evidence, of course, no basis exists for finding that the warning letters received were retaliatory; an employer must be aware of its employees' political inclinations in order to find that discipline was imposed in retaliation for the political positions taken by the employees. Consolidated denies knowing the political sympathies of any of its employees and asserts that its disciplinary actions have been made on an individual basis based upon the circumstances of each individual case.

Assuming, however, that Consolidated was aware of the pro-Carey support of all seven members identified above and adding Mr. Serafinn, Mr. Booth and Mr. Walker

² Many of the nineteen members who indicated that they publicly supported Mr. Carey stated that their only demonstration of this support was the wearing of a campaign button. None of these members were able to demonstrate that Consolidated Freight was aware of their support of Mr. Carey, nor did Mr. Serafinn provide any such evidence other than with respect to himself, Darrell Walker and Frank Booth.

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to this category, each of whom the Election Officer has previously found to be known Carey supporters, a total of only ten members were disciplined arguably in retaliation for their political sympathies. Extrapolating these results for the total of 168 members receiving warning letters suggests that any 30, or less than 18 percent, of all Local 722 members receiving warning letters from Consolidated would even argue that they had been issued such letters as a retaliatory measure.

A thorough and painstaking investigation was conducted by the Election Officer. The Election Office staff personally contacted one-third of all members Mr. Serafinn claimed were Carey supporters and allegedly discriminatorily disciplined. Even accepting the members' own claims that they publicly supported Ron Carey and were unfairly disciplined, and assuming that Consolidated was aware of all such members' political support for Mr. Carey, less than 18 percent of the sample survey could arguably have received discriminatory discipline. Based upon this finding, the Election Officer finds insufficient evidence to support this protest, and therefore 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/mjv

cc: Frederick B. Lacey, Independent Administrator
Peggy A. Hillman, Regional Coordinator
Deborah Schaaf, Adjunct Regional Coordinator