

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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October 9, 1991

VIA UPS OVERNIGHT

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

A.B.F. Freight, Inc.
3401 Remington Road
Springfield, IL 62702

Gary J. Sullivan
President, IBT Local Union 916
2701 North Dirksen Parkway
Springfield, IL 62708

Re: Election Office Case No. P-887-LU916-SCE

Gentlemen:

A protest was filed pursuant Article XI to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Leroy Ellis, a candidate for IBT Vice President from the Central Conference on the Ron Carey Slate. He alleges that Walter Shea, a candidate for IBT General President and Gary J. Sullivan, President of Teamster Local 916 and a candidate for IBT Vice President from the Central Conference, both on the Shea-Ligurotis Action Team slate, were afforded access to the A.B.F. Freight, Inc. terminal in Springfield, Illinois and permitted to campaign in such facility in work areas among employees who were on work time.

The Election Officer's investigation revealed that Messrs. Shea and Sullivan had in fact obtained access to the Springfield Illinois ABF facility and spent approximately fifteen (15) or twenty (20) minutes campaigning among IBT members employed there. The campaigning occurred in both work and non-work areas and included campaigning among employees who were on work as well as non-work time.

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The investigation further revealed, however, that neither Mr. Ellis or any other candidate for International office has been denied similar access by ABF. On or about August 15, 1991, Mr. Ellis and Dan Tuffs, a member of Local Union 710 and a supporter of Mr. Ellis and the Ron Carey Slate, were at the Springfield Illinois ABF facility for campaign purposes. They remained at the facility for approximately one-half hour. While there, they campaigned primarily in the employee parking lot near the gate to such lot. Mr. Ellis also went into the lunch room in the facility and left some campaign literature in the lunch room on one of the tables. Mr. Ellis remained in the lunch room approximately ten (10) minutes. He left to ensure that his unattended vehicle was not blocking any cars in the employee parking lot.

At no time while Messrs. Ellis and Tuffs were at the facility did ABF interfere with their campaigning activities. Mr. Ellis was not asked to leave the employee lunchroom; he left voluntarily. At no time did Mr. Ellis seek greater access to the Springfield facility of the ABF than he was accorded. The Election Officer's investigation did not reveal that any other candidate has been refused access such candidate may have sought to the Springfield Illinois ABF facility.

Article VIII, §10(d) of the *Rules* prohibits restrictions upon candidate's pre-existing rights to engage in campaign activities at employer premises. Pre-existing rights are those derived from substantive law or afforded through past practice. Accordingly the Election Officer has held that when an employer permits a candidate or candidates access to its facilities for campaigning purposes, similar access must be afforded to all other candidates upon such other candidates request. See, e.g. Election Office Case No. P-894-LU337-MGN, affirmed 91-Elec.App.-188. Here, however, there has been no request for access which has been denied. In addition, it appears that ABF, by its actions with respect to Messrs. Ellis' and Tuffs' campaigning activities on August 15, 1991 were willing to afford them the same access previously provided to Messrs. Sullivan and Shea. See also Election Office Case No. P-873-LU710-CHI (employers who had previously afforded access to the interior of their facilities by a candidate or a slate of candidates voluntarily agreed to afford all other candidates similar access).

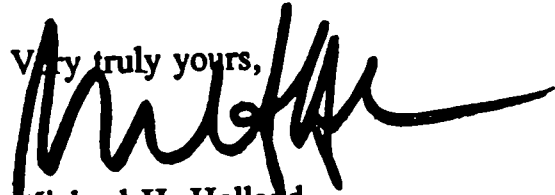
No evidence has been produced demonstrating that ABF has denied or would deny candidates for IBT International Union office the access afforded to IBT International Union officer candidates Shea and Sullivan. Accordingly the protest is DENIED.

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

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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

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