

***PRE-ELECTION
PROTEST
DECISIONS***

ELECTION OFFICE CASE NOS.

P-901-LU493-ENG to P-935-LU385-SEC

VOLUME XXI

***Michael H. Holland
Election Officer
June 1992***

OFFICE OF THE ELECTION OFFICER
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Election Officer

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October 10, 1991

VIA UPS OVERNIGHT

John Sarantopoulos
32 Foster Street
Danielson, CT 06239

Kenneth V. Morrill, Jr.
Secretary-Treasurer
IBT Local Union 493
18 Crescent St.
Uncasville, CT 06382

Don Villa
405 Wawecus Hill Rd.
Norwich, CT 06360

Re: Election Office Case No. P-901-LU493-ENG

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by John Sarantopoulos, a member of Local 493 and a certified delegate to the IBT International Convention. Mr. Sarantopoulos alleges that at the September 8, 1991 Local Union 493 meeting, he was prevented from effectively presenting his report concerning the Convention. Mr. Sarantopoulos further alleges that another member, Don Villa, rose to object to the treatment of Mr. Sarantopoulos and was physically threatened without intervention by the Local officers.

This protest was investigated by Regional Coordinator Elizabeth Rodgers. Prior to the September 8, 1991 Local Union meeting, Mr. Sarantopoulos requested permission to give a report on the Convention. He was permitted to do so. His written report exceeded 20 minutes in length and he was allowed to read it in its entirety. As is the custom at Union meetings, the President of the Local, Frank Scorpino, remained at the microphone podium and members of the Executive Board were seated at the front of the room. Mr. Sarantopoulos gave his report from a location to the side of the membership where he had a table on which to spread out his papers. While Mr. Sarantopoulos had no microphone, the configuration of the meeting permitted Mr. Sarantopoulos to be

heard by the membership.

At one point during Mr. Sarantopoulos' introductory remarks, which concerned his background with the Local, Mr. Scorpino suggested that he curtail the background information and begin his report of the Convention. Other than the normal *sotto voce* talk among the members, this was the only interruption of Mr. Sarantopoulos' report. After Mr. Sarantopoulos had completed his report, he was given a leave by the chair to respond to questions from the membership. One member asked him who he voted for at the Convention and he responded that he had voted for Ron Carey. In total, Mr. Sarantopoulos held the floor for approximately 50 minutes at the September 8, 1991 Union meeting.

During the course of the question and answer period after Mr. Sarantopoulos' report, another Local 493 member, Don Villa, who had unsuccessfully sought a delegate position, was recognized by the chair and said that he felt the Executive Board was being rude to Mr. Sarantopoulos. Mr. Villa also raised questions about expenditures of Local funds. The comments of Mr. Villa raised an outburst by another Local 493 member, Robert Parker, which was threatening in nature toward Mr. Villa. Mr. Parker contends that his remarks were occasioned by Mr. Villa's use of the word "nigger." Mr. Parker is African-American and took offense at Mr. Villa's words. Mr. Villa denies using this language, and Mr. Parker's contention was not supported by other members present at the meeting. In any event, Mr. Parker was subdued and the exchange, which lasted approximately two minutes, was stopped and the meeting continued.

The jurisdiction of the Election Officer is limited to the International Union delegate and officer election process. Although the report of Mr. Sarantopoulos concerned the IBT International Convention, the conduct which occurred at the Local Union meeting, while related to the 1991 IBT International Union Convention, does not otherwise implicate the nomination and election process for International Union delegates or International Union officers. Neither the report of Mr. Sarantopoulos or any comments alleged to have been made by the Local officers or members, including Mr. Parker, indicate any position with respect to the International Union officer election.

The only mention of the International Union officer election was a question directed to Mr. Sarantopoulos concerning his votes at the 1991 Convention and his response that he voted for Ron Carey. It is not alleged, nor do the facts support, a conclusion that Mr. Parker's outburst was in response to that question. The Election Officer determines that he has no jurisdiction with respect to Local Union matters or disputes that do not implicate the International Union election.

The Election Officer would further note that, even if this protest did implicate the International Union election, that no violation of the *Rules* was indicated by the events at the September 8, 1991 meeting. Mr. Sarantopoulos was allowed to give his full report and in addition answer questions from the membership. To the extent that Mr. Parker reacted in anger to the alleged statements by Mr. Villa, there was no allegation

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that Mr. Villa's comments related to the International officer election process. 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 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,

A handwritten signature in black ink, appearing to read "Michael H. Holland", written over the typed name below.

Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator
Elizabeth A. Rodgers, Regional Coordinator