



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 26, 1991

VIA UPS OVERNIGHT

Dan Hanners
1641 Pershing Avenue
Rockford, IL 61109

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

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

Jack Jacobs
Business Agent, IBT Local Union 722
344 North 30th Road
LaSalle, IL 61301

Re: Election Office Case No. P-908-LU722-SCE

Gentlemen:

A protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Dan Hanners, a member of Local 722. Mr. Hanners contends that Local 722 and particularly business agent Jack Jacobs have arbitrarily changed the rules for election of stewards at his place of employment, in retaliation for his and his fellow stewards' election as Local 722 delegates committed to the candidacy of Ron Carey for IBT General President and their continued support for Mr. Carey and his slate.

The investigation of this protest revealed that in January of 1990, it was determined that an election would be held for stewards at the Peru, Illinois facility of Consolidated Freightways, Mr. Hanners' employer. An election was held and Messrs. Walker, Hanners, Serafinn and Bartlett were elected as stewards. All stewards elected were and are extra board drivers for Consolidated. Mr. Hanners was appointed chief steward by the Local Union. The results of this election were communicated on March

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12, 1990 to all interested parties.

During the delegate election process Messrs. Walker, Hanners and Serafinn were successful candidates for delegate to the 1991 IBT International Union Convention. They sought election committed to the nomination of Ron Carey for IBT General President against a slate of candidates headed by Local 722 President Gerald Reilly and including Mr. Jacobs. Mr. Bartlett is also a known supporter of Ron Carey and actively campaigned on behalf of the successful delegate slate.

On or about September 15, 1991, an election notice was posted announcing a September, 1991 election for road stewards at the Peru, Illinois facility of Consolidated Freight. The notice was signed by Mr. Jacobs as Recording Secretary of Local 722. The notice stated that of the four stewards to be elected, one had to hold a bed bid, that is such steward's job had to be regularly scheduled trips which involved an overnight stay. One steward had to hold a turn bid, his job had to be regular trips where no overnight stays were required. A third steward had to be an extra board driver, with the remaining steward presumably from any area. Mr. Hanners contends that this election requirement constitutes a change in the Local's by-laws and prior practice. He also contends that the steward selection system was changed in retaliation for the electoral political positions of the present stewards since all of the present stewards are extra drivers and under the new requirements only two of the current stewards could be reelected.

The Local Union has advised the Election Officer that the election of road stewards has been postponed until after the company completes a reorganization and holds new bids, which will not occur until January, 1992. The Local Union President, Mr. Reilly, also has stated to the Election Officer that he will reconsider the requirement that three of the four stewards must each have different types of road driver positions. Based on the postponement of the steward election, which allows the present stewards to remain stewards, and the representation of President Reilly that he will review and reconsider the limitations placed upon the election of stewards, the Election Officer considers the protest moot.¹ 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,

¹ Mr. Hanners may, of course, file a new protest after the new notice of election is posted, assuming he believes that the election procedure so put in effect at that time violates his rights under the *Rules*.

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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". The signature is written in a cursive, somewhat stylized font with a large initial "M".

Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator

Peggy A. Hillman, Regional Coordinator

Robert Stetson, General Counsel
Consolidated Freightways, Inc.
3240 Hillview Avenue
Palo Alto, CA 94304