



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

William D. Stinnett  
882 Broadway S. Dr.  
Plainfield, IN 46168

John L. Neal  
President  
IBT Local Union 135  
1233 Shelby Street  
Indianapolis, IN 46203

Gary Gregory  
9601 Bakeway  
Indianapolis, IN 46231

Dale Oliver  
c/o Consolidated Freightways  
3915 W. Morris St.  
Indianapolis, IN 46241

**RE: Election Office Case No. P-915-LU135-SCE**

Gentlemen:

A protest was filed with the Election Office pursuant to Article XI of the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990 ("Election Rules"). In his protest William Stinnett alleges that Gary Gregory removed campaign literature that Stinnett had posted on a general purpose bulletin board at the Consolidated Freightways terminal in Indianapolis, Indiana. The Election Officer's investigation revealed the following.

William D. Stinnett is a steward and member of Local Union 135 employed by Consolidated Freightways. Gary Gregory is also a member of Local Union 135 who is employed by Consolidated Freightways. Mr. Stinnett supports the R. V. Durham Unity Team in the 1991 IBT International Union officer election; Mr. Gregory supports the Ron Carey Slate.

There is a large bulletin board at the Indianapolis facility which is used for official Union postings and well as general employee posting. Campaign literature has been posted on this bulletin board by supporters of nominated General President candidates R.V. Durham and Ron Carey as well as their respective slates.

Stinnett alleges that the Durham literature that he has posted on the bulletin board has been removed by Gary Gregory. Mr. Stinnett did not personally see and did not identify any witnesses who observed Mr. Gregory remove the Durham literature. Mr. Gregory denies Stinnett's allegation. Gregory alleges that Ron Carey literature that he

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placed on the bulletin board has been removed. Mr. Gregory has not alleged that a specific person is responsible for the removal of the literature nor has he identified any witnesses who observed Carey literature being removed.

The Election Officer takes very seriously allegations concerning the removal or destruction of campaign literature. The Election Officer has not hesitated in the past to take strong action against individuals found to be responsible for the destruction of campaign literature. However, in the instant case the Election Officer has been presented with no evidence linking the removal or destruction of campaign literature with a particular individual(s). The Election Officer is therefore unable to find any individual liable for this violation of the Election Rules.

However, because of the serious nature of the allegations raised by parties in this protest, the Election Officer is taking action to insure that there is no repetition of the conduct which gave rise to this protest. The Election Office Regional Coordinator shall personally divide the general purpose bulletin board at the Indianapolis terminal into quadrants for posting purposes. One quarter of the board will be reserved for official union posting; one quarter of the board will be reserved for non-campaign general employee postings; one quarter of the board will be for Durham campaign material and the final quarter will be for Carey material.<sup>1</sup> The Regional Coordinator shall mark the boundaries of the various quadrants of the board and label each quadrant. Neither Messrs. Stinnett and Gregory, Local 135 nor Consolidated Freight object to this course of action.

All parties are reminded that campaign literature must be posted on the proper quadrant of the bulletin board. Literature shall not be posted in such a manner that it encroaches upon the quadrant reserved for a different candidate or slate of candidates. No supporter of Ron Carey or the Ron Carey Slate shall remove or otherwise interfere with literature posted on the Durham Unity Team quadrant of the bulletin board. Similarly, no supporter of R. V. Durham or the Durham Unity Team slate shall remove or otherwise interfere with literature posted on the Ron Carey Slate quadrant of the board.

On the basis of the forgoing, the Election Officer considers this matter resolved.

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<sup>1</sup> To the Election Officer's knowledge there has been no campaign literature posted on the general purpose bulletin board at the Indianapolis Consolidated Freightways terminal supporting the candidacy of General President candidate Walter Shea or any of the members of his slate. If any IBT member employed at the facility wants to post Shea campaign literature on the board they should so inform the Regional Coordinator who will adjust the division of the board to create an equal space for Shea-Ligurotis Action Team literature.

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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  
Election Officer

cc: Frederick B. Lacey, Independent Administrator

Peggy Hillman, Regional Coordinator

Walter Shea  
c/o Robert Baptiste, Esquire  
Baptiste & Wilder  
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Suite 505  
Washington, D.C. 20006