

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 2, 1991

VIA UPS OVERNIGHT

Archie Cook
4508 Balmoral Drive
Richton Park, Illinois 60471

Leroy Ellis
18807 Oakwook Drive
Country Club Hills, Illinois 60477

Allen D. Yurgil
Secretary-Treasurer
IBT Local Union 761
300 South Ashland Avenue
Chicago, Illinois 60607

Re: Election Office Case No. P-926-LU761-CHI

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"). In his protest, Archie J. Cook alleges that IBT Local Union 761 unreasonably delayed in responding to the request of Leroy Ellis, a nominated candidate for International Vice President from the Central Conference, for the list of worksites where members of Local Union 761 are employed. The Election Officer's investigation reveals the following.

Leroy Ellis is a nominated candidate for the office of International Vice President from the Central Conference. In an undated letter to the Secretary-Treasurer of Local 761, Mr. Ellis requested a list of all worksites where members of the Local Union are employed. Mr. Ellis cited Article VIII, § 1 of the *Rules* in support for his request and stated, quoting the *Rules*, that the request was to be honored within five days. The Local did not respond within the five day period as provided for in the *Rules*. Mr. Ellis made no attempt to contact the Local thereafter either telephonically or in writing; instead he filed this protest. The Local claims that the request was misplaced, but has now complied with the request and provided Mr. Ellis with a worksite list.

Article VIII, § 1 of the *Rules* requires Local Unions to permit candidates the right to inspect collective bargaining agreements covering the Local Union's members in order to permit candidates and their campaigns to determine where such members are

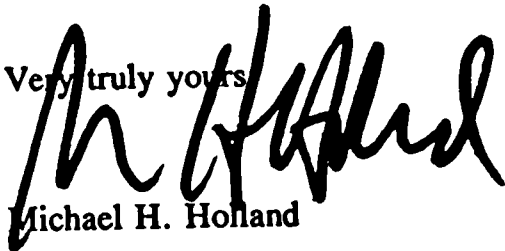
Archie J. Cook
Page 2

employed. Under the *Rules*, the Local Union may satisfy this obligation by "providing within the five-day period set forth above, a list of all the sites with address where any and all of its members work." Article VIII, § 1(c). Further, the Election Officer has held that a Local is obligated to provide the worksite list where review of the collective bargaining agreements will not yield the street addresses of all worksites where all of the Local's members are employed. Local Union 761 has elected to provide candidates with copies of the worksite list.

The evidence establishes that the Local failed to promptly respond to Mr. Ellis' request as required by the *Rules*. However, the Election Officer notes Mr. Ellis contributed to the delay by his failure to ever contact the Local after submitting his undated request for a copy of the worksite list. Moreover the International Union officer election will not occur until December 10, 1991; ballots will not be mailed for the election for approximately another six (6) weeks. The worksite list has now been provided. Mr. Ellis has adequate opportunity to campaign despite the delay in obtaining the worksite information. For these reasons the Election Officer considers the matter RESOLVED.

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/ca

cc: Frederick B. Lacey, Independent Administrator
Julie E. Hamos, Regional Coordinator