

OFFICE OF THE ELECTION OFFICER
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Michael H. Holland
Election Officer

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October 14, 1991

VIA UPS OVERNIGHT

William Murray
14703 Kinai Road
Apple Valley, California 92307

Terry Mangrum
17868 US Highway #139
Apple Valley, California 92307

John Cetinske
15764 Arbolada Lane
Victorville, CA 92392

Everett Roberts
Trustee
IBT Local 63
1616 W. Ninth St.
Room 205
Los Angeles, CA 90015

Re: Election Office Case No. P-939-LU63-CLA

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by William Murray, a member of Local 63. The protest contends that during a yard meeting which was held on September 23, 1991, Mr. Murray was threatened with physical harm by Terry Mangrum, also a member of Local 63.

The investigation of this protest by the Election Officer revealed that on September 23, 1991 a yard meeting was held for those members of Local 63 employed by Roadway Express at the Adelanto, California terminal. Mr. John DeWorken, Business Agent from Local 63, was present to conduct the meeting; approximately 25-30 members attended the meeting. The meeting commenced at 10 a.m. The purpose of the meeting was to discuss proposed work rules being formulated as a result of a new collective bargaining agreement between IBT and Roadway.

Mr. Murray contends that during this meeting Mr. Mangrum continuously attempted to interrupt Mr. DeWorken's presentation. Mr. Murray states that he advised Mr. Mangrum to let Mr. DeWorken proceed. Mr. Mangrum responded by telling him if he did not shut up he would kick his ass, that he, Mangrum, could shut him, Murray, up permanently. Mr. Murray alleges that the threats of violence arise from Mr.

Mangrum's assumption that (1) Mr. Murray does not support Ron Carey or the members of his slate for IBT International Union office and (2) supported the Informed Teamsters for the Good of All Slate rather than the Delegates for Ron Carey Slate in the delegate election process.

Mr. Murray states that he is not involved in campaigning for any International Union officer candidates. However, he believes that Carey supporters within Local 63 are using the election process to discredit the Local Union leadership with the intent of "taking over" the Local Union.

Several other members present at the September 23, 1991 meeting were contacted by the staff of the Election Officer. Although the members did not specifically recall the words used, all members agreed that Mr. Murray did get up during the meeting and tell Mr. Mangrum to sit down and Mr. Mangrum responded in an angry manner using profanity. Two members further stated that Mr. Mangrum told Mr. Murray that if he and others disagreed with him they could go outside.

All parties to this protest and all members contacted during the investigation agree that the September 23, 1991 meeting concerned work rules for Local 63 members employed by Roadway. Mr. Mangrum's interruptions of Mr. DeWorken consisted of questions addressed to Mr. DeWorken concerning the proposed work rules.

It is clear from the investigation of this matter that the meeting in question is not in any way connected to the nomination or election processes for International Union Convention delegates or International Union officers. The jurisdiction of the Election Officer does not extend to the nomination and election processes for Local Union officers or to purely Local Union disputes. The jurisdiction of the Election Officer is limited to the process of election for IBT International Union Convention delegates and IBT International Union officers. Accordingly, the Election Officer has no jurisdiction with respect to disputes among members of IBT subordinate bodies or elections of IBT subordinate body officers. The *Rules* are not applicable to Local Union officer elections; similarly, the *Rules* are not applicable to disputes within a Local Union nor among Local Union members unless such disputes are related to the International Union delegate or officer election process. See *Rules*, Preamble at pages 1-2 and Article 1.

Threats of physical harm to any member based upon their participation, or lack of participation, in the International Union election process or upon their support, or lack thereof, of any particular candidate or slate of candidates is a most serious violation of the *Rules*. However, there is no indication in this case that the exchange between Mr. Murray and Mr. Mangrum arose from either's participation in the International Union election process or from Mr. Murray's support or failure to support any particular candidate in that election. The exchange clearly arose during a meeting which concerned work rules at Roadway Express and was prompted by disagreements concerning the

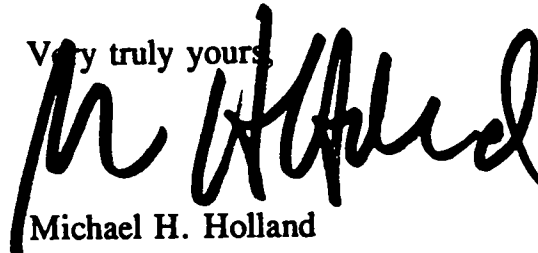
William Murray
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formulation and content of the work rule proposals. Both the exchange and the basis for it had absolutely no relationship to the International Union delegate or officer election.

Accordingly, the Election Officer determines that this protest is beyond his jurisdiction and the protest is DENIED on that basis. The Election Officer would, however, strongly caution Mr. Mangrum to cease and desist from any conduct which may be construed as interference or coercion of IBT members in the exercise of their rights under the *Rules*. Mr. Mangrum has already been found by the Election Officer to have violated the *Rules* based upon behavior very similar to his behavior at the September 23, 1991 yard meeting. See Election Office Case No. P-891-LU63-CLA. Further behavior of the same nature will require the Election Officer to apply further and more severe sanctions.

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 "M. Holland", written over the typed name "Michael H. Holland".

Michael H. Holland

MHH/cb

cc: Frederick B. Lacey, Independent Administrator
Geraldine L. Leshin, Regional Coordinator