



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Washington, DC 20001
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1-800-828-6496
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Michael H. Holland
Election Officer

October 14, 1991

Chicago Office
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

VIA UPS OVERNIGHT

Gordon Teller
22332 17th Place, West
Bothell, WA 98021

Lawrence N. Weldon
Secretary-Treasurer
IBT Local 741
552 Denny Way
Seattle, WA 98109

Sea-Land
Attn. Floyd Reid, Manager
3600 Port of Tacoma Road
Tacoma, WA 98424

Re: Election Office Case No. P-945-LU741-PNW

Gentlemen:

This is a protest filed under the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). The protester, Gordon Teller, is a supporter of the Ron Carey Slate for IBT International office. He is actively involved in campaigning for that Slate. His protest alleges that (1) literature he has posted for Ron Carey and other members of that slate has been removed from the bulletin board at his place of employment, (2) that the Ron Carey sign he left in his tractor was removed, torn in half and thrown in the garbage and (3) that a supervisor at Sea-Land used him as a "snitch." The protest was investigated by Regional Coordinator Christine Mrak.

The Election Officer investigation revealed that campaign material posted by Mr. Teller had, in fact, been removed from the bulletin board at the Tacoma, Washington facility of Sea-Land, Mr. Teller's place of employment. The Ron Carey sign or poster that Mr. Teller maintains in the vehicle assigned him by Sea-Land and which has been the subject of a number of previous protests by Mr. Teller, see e.g. Election Office Case P-62-LU741-PNW, was also taken from his truck and destroyed.

The Election Officer investigation was, however, unable to identify the perpetrator of these misdeeds. Mr. Teller is unable to provide any evidence which will allow the Election Officer to identify the individuals involved in removing his campaign literature from the bulletin board and destroying his campaign sign. Sea-Land states that no managerial or supervisory employees of it participated in those acts. Sea-Land has,

however, specifically instructed all its supervisory and managerial employees to refrain from interfering with the posting of campaign literature by Mr. Teller or any other IBT member.

From the results of the investigation, no basis exists for determining the identity of the person or persons who violated the *Rules* by removing and/or destroying campaign literature. However, the removal, defacement or destruction of campaign literature is a serious violation of the *Rules*. To notify all Sea-Land's managerial and supervisory employees and all IBT members employed by Sea-Land that the removal, defacement or destruction of campaign literature or other interference with campaigning activities of IBT members constitutes a most serious violation of the *Rules*, Local Union 741 is directed to post the notice attached to this decision on all Union bulletin boards at the Tacoma, Washington facility of Sea-Land. The notice shall be duplicated by Local 741 and so posted within five days of the date of this letter; within the same five-day period, Local 741 shall file an affidavit with the Election Officer demonstrating its compliance with this posting requirement.

Mr. Teller's final allegation is that a supervisor at Sea-Land used him as a "snitch," purportedly in retaliation for Mr. Teller's prior campaign activities on behalf of Ron Carey and the Ron Carey Slate. A Sea-Land supervisor apparently overheard Mr. Teller and other IBT members employed by Sea-Land commenting that one of their fellow members was ineligible for an overtime assignment. The supervisor relayed this information to his superior. Sea-Land reviewed the situation, apparently agreed that the members' comments were correct and declined to assign the other member the overtime.

The member who failed to get the overtime assignment apparently inquired as to the reasons for not being permitted to work on an overtime basis. The course of events, as described above, was related to him. The member then asked Mr. Teller if he had been a "snitch."

The evidence uncovered during the investigation of this allegation of Mr. Teller is insufficient to support a connection between these events and Mr. Teller's campaign activities. There is insufficient evidence to support a conclusion that the supervisor related the story to the member in question to retaliate against Mr. Teller for his campaign activities. This portion of Mr. Teller's 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,

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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

cc: Frederick B. Lacey, Independent Administrator

Christine M. Mrak, Regional Coordinator

Robert J. Attaway, Esq.
Haight, Gardner, Poor & Havens
195 Broadway
New York, NY 10007

MHH/cb

**NOTICE TO TEAMSTER MEMBERS
FROM MICHAEL H. HOLLAND, ELECTION OFFICER, IBT**

You have the right to participate in campaign activities on behalf of candidates for International Office in the IBT.

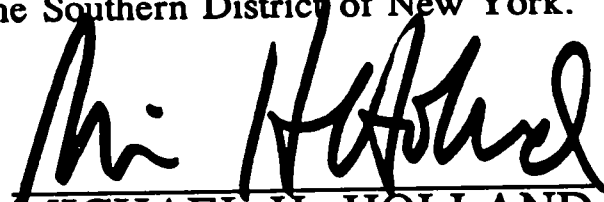
You have the right to engage in such campaign activities, including the distribution of campaign materials, on your company's premises in non-work areas during non-work time.

It is a violation of the *Rules* for anyone, whether a company or Union officer, agent or member, to interfere with your campaign activities or to harass or do anything else to you because of your campaign activities.

It is a violation of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") for anyone, whether a company or Union officer, agent or member, to remove, destroy, deface or otherwise interfere with any campaign materials.

You have the right to post campaign materials on bulletin boards which have been designated for campaign postings.

Any protest you have regarding your rights to engage in campaign activities or interference with those rights should be filed with Michael H. Holland, Election Officer, at the above address. Physical violence or property damage may result in contempt proceedings in the United States District Court for the Southern District of New York.


MICHAEL H. HOLLAND
Election Officer, IBT

This is an official notice and must remain posted until December 10, 1991 and must not be altered, defaced, or covered with any other material.