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November 13, 1991

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

Gene O'Brien
15619 N.E. 1st Street
Bellevue, WA 98008

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

Re: Election Office Case No. P-974-LU741-PNW

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Gordon Teller, a member of Local Union 741. Mr. Teller contends that on October 10, 1991, he was threatened with physical harm by another IBT member, Gene O'Brien. Mr. Teller further alleges that the threat by Mr. O'Brien was motivated by Mr. Teller's campaign activities throughout the International Union officer election process. Both Messrs. Teller and O'Brien are members of Local 741 and both are employed by Sea-Land. The protest was investigated by Adjunct Regional Coordinator Patricia Warren.

The investigation revealed that on October 10, 1991, Mr. Teller and Mr. O'Brien, both employed by Sea-Land, were in attendance at an employee quality meeting along with other Sea-Land employees who are also IBT members. The quality meeting was opened by Gary Merrill, a supervisory employee of Sea-land. In addition to Sea-land employees, a psychologist also attended the meeting, Sea-Land had requested the psychologist to attend to assist in implementing the quality meeting process which IBT members employed by Sea-Land had been resisting. Mr. Teller has openly opposed the quality meetings. Accordingly, at the start of the meeting, Mr. Merrill asked Mr. Teller if he had any comments. Mr. Teller responded that he would prefer to be working rather than participating in the meeting. A few other employees then made some comments at Merrill's request, including a comment about the terminal manager which caused laughter among a number of the employees present, including Mr. Teller. Mr. Teller's laughter prompted Mr. O'Brien to state that, "If this guy [Teller] is going to sit here and laugh through this entire meeting, I'm leaving." Mr. Teller then responded that

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he was not laughing at Mr. O'Brien. Mr. O'Brien then called Mr. Teller a punk and said he was going to rip his head off. Mr. Teller responded by telling him to shut up, and at some point during the exchange called Mr. O'Brien a company snitch. At this point, Mr. Merrill and other employees intervened and advised both Mr. Teller and Mr. O'Brien to stop the verbal exchange.

The investigation did not reveal any significant dispute as to the verbal confrontation between Mr. Teller and Mr. O'Brien, nor the context in which the confrontation occurred. All persons interviewed during the course of the investigation agreed that Mr. Teller and Mr. O'Brien have had prior verbal confrontations during the past several years. Mr. O'Brien states that he has not, nor does he intend to, physically attack Mr. Teller. However, he readily states that he dislikes Mr. Teller. Mr. O'Brien further states that his dislike of Mr. Teller is not based on any work disagreement or Mr. Teller's participation as a member of Teamsters for a Democratic Union ("TDU") or his campaign activity, but rather, the manner in which Mr. Teller goes about these activities. Mr. O'Brien states that he believes Mr. Teller intimidates people by threatening them with lawsuits and complaints and also forces his material and ideas on people who do not wish to listen to him.

Basically, Mr. Teller's position with regard to this protest is very similar to the position of Mr. O'Brien. Mr. Teller states that he and Mr. O'Brien have had a conflict for approximately four years which began over a work-related issue and has escalated during recent months, i.e., during the period of Mr. Teller's very active campaign activity. Other witnesses support the conclusion that the animosity and confrontations between Mr. Teller and Mr. O'Brien have worsened since the commencement of the IBT International Union delegate and officer election. The statements given in support of Mr. O'Brien seem to concede that Mr. O'Brien "has a problem" with the intensity of Mr. Teller's campaign activities and that Mr. O'Brien is trying to avoid Mr. Teller as a result. It also appears that part of the escalation in animosity is caused by Mr. Teller's repeated campaign approaches to Mr. O'Brien, even after Mr. O'Brien has indicated that he does not wish to listen to Mr. Teller.

It is apparent that Mr. O'Brien's hostility to Mr. Teller is based both upon incidents which predate by years the 1991 election and upon Mr. Teller's intense campaign activity which has aggravated the pre-existing animosity. It is also apparent that Mr. Teller is responsible for some of the aggravation. Mr. Teller, although aware that Mr. O'Brien does not want to hear Mr. Teller's campaign rhetoric, continues to attempt to proselytize Mr. O'Brien. Mr. O'Brien is, of course, entitled to his opinion about Mr. Teller and is entitled to express that opinion, even to the point of requesting that Mr. Teller stop his activities. He is not entitled to threaten physical violence based in part upon Mr. Teller's involvement in the campaign. Mr. Teller, on the other hand, cannot disclaim all responsibility for the increased animosity between him and Mr.

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O'Brien. Mr. Teller's responsibility in these incidents undermines his protest. *Rules, Article XI, § 1(d).*

To resolve this protest and attempt to ameliorate the problems between Messrs. O'Brien and Teller, the Election Officer imposes the following: Mr. O'Brien is hereby ordered to cease and desist from physically threatening Mr. Teller. Mr. Teller is hereby ordered to cease and desist from directing any campaign activities at Mr. O'Brien, including talking to him about the election.

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

Christine M. Mrak, Regional Coordinator

Robert J. Attaway, Esq.
Haight, Gardner, Poor & Havens
195 Broadway
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