



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H. Holland
Election Officer

(202) 624-8778
1-800-828-6496
Fax (202) 624-8792

April 16, 1991

VIA UPS OVERNIGHT

Ott L. Rogers
Secretary-Treasurer
IBT Local Union 373
4314 South Phoenix
Fort Smith, AR 72906

Bob Highfill
Rt. 5 Box 77A
Silon Springs, AR 72761

Steve Wolfe
Box 22
Farmington, AR 72730

Randall Sanderson
Rt. #1, Box 283
Huntington, AR 72940

Re: Election Office Case No. Post-39-LU373-SOU

Gentlemen

A post-election protest was filed on March 4, 1991 by Mr. Ott L. Rogers pursuant to Article XI, § 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") in which he alleges that Mr. Bob Highfill, a candidate for delegate to the 1991 IBT International Convention, improperly received employer contributions in the form of free use of the United Parcel Service internal distribution (feeder) system with regard to the distribution of his campaign literature.

Local Union 373's election for one delegate and one alternate to the International Convention took place on March 1, 1991. 373 ballots were received, of which 366 were counted. The final delegate election results were Bob Highfill, 187 votes, and Ott Rogers, 179 votes, with a margin of victory of eight votes. In the alternate election, Randall Sanderson received 207 votes, while Steve Wolfe received 155 votes.

Mr. Rogers' post-election protest specifically asserts that Mr. Highfill violated Article X, § 1 of the *Rules* which prohibits employer contributions to the campaign of any candidate. Mr. Rogers claimed that Mr. Highfill loaded his campaign material on a UPS tractor and took it from Springdale, Arkansas to Little Rock, at which point the campaign literature was allegedly distributed to drivers who would take it to their

respective UPS centers and distribute it. He specifically alleges that this distribution was done for free and thus saved Mr Highfill the cost of the distribution of his literature. Mr Rogers listed a number of witnesses who allegedly could confirm that Mr Highfill's material moved through the feeder system and that he had raised an objection to this practice to representatives of the employer

An extensive investigation was conducted by representatives of the Election Office. Almost every one of the large number of purported witnesses named by Mr. Rogers was contacted by Election Office Adjunct Coordinator Ms. Francis Cusack. Virtually all of these individuals indicated that they knew nothing about the distribution of the campaign literature through the feeder system. A few of the interviewees indicated that they believed that literature had been distributed through the UPS feeder system, but when asked by Ms Cusack to supply tangible evidence or other substantiation, she received no response from these individuals.

Mr Highfill responded during the investigation that he had indeed distributed some of his literature via UPS, but he indicated that he had paid for this distribution. He provided receipts to the Election Office to substantiate this fact. He also indicated that he was unaware of any of the materials being placed on lockers or being handed out in other than non-work areas on non-work time. The Election Officer does not find a violation of the *Rules* in regard to the conduct of Mr. Highfill. The distribution of the literature in question was fully paid for by Mr Highfill and thus no impropriety has been established¹

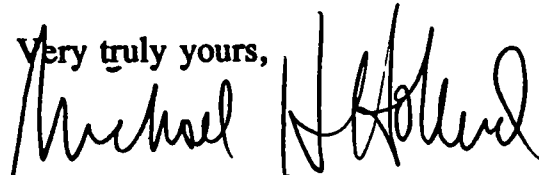
Accordingly, the post-election protest of Mr Rogers is DENIED.

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,

¹Mr Rogers has suggested that certain drivers may have carried campaign literature in their feeder tractors, which he asserts is an employer contribution to Mr Highfill's campaign. While none of Mr Rogers' allegations regarding this conduct could be substantiated, this allegation, taken on its face, would not constitute a violation of the *Rules*. Mere transportation of campaign literature, without more, would be conduct incidental to work activity. Since the conduct that is alleged would constitute incidental conduct, the employer's possible paying for the feeder tractor which allegedly transported the campaign material would not constitute an improper employer contribution. See *Rules*, Article VIII, § 10 (a)

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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

MHH/mca

cc Frederick B Lacey, Independent Administrator
Larry R Daves, Regional Coordinator