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May 28, 1991

VIA UPS OVERNIGHT

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Re: Election Office Case No. Post-72-LU732-NYC

Gentlemen and Mesdames

A post-election protest was filed pursuant to Article XI §1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Cecilia Tagliaferri and Janet Weeks, both candidates for delegate to the 1991 IBT International Union Convention from Local 732. Complainants allege that numerous violations of the *Rules* occurred prior to and on the date of the election and thus protest the results of the election.

Local 732 held its delegate election exclusively by mail ballot. The ballots were mailed on April 8, 1991. Sixteen candidates for delegate appeared on the ballot competing for eight delegate positions. The alternate delegate race was uncontested. Each delegate candidate was affiliated with one of three slates, i.e. The Bill Genoese, Sr for Teamsters President Slate ("*Genoese Slate*"), The Teamsters Against the Old Order Slate ("*Tatoo*") and the Democracy Slate. The *Tatoo* Slate and the Democracy Slate combined certain of their campaign efforts, the two slates ran a joint campaign. The ballots were counted on April 30, 1991. The tally of ballots by candidate by rank with the appropriate slate designation was as follows:

Genoese Slate

1	George Miranda	887
2	Bill Genoese, Sr	873
3	Phyllis McAuliffe	868
4	Vince Hickman	828
5	Bill Chandlee	819
6	Frank Bertucelli	816
7	Jimmy Sonera	809
8	Joe Konowe	792

Tatoo Slate

9	Janet L Weeks	666
10	Barbara Marchese	659
11	Doris Sheehan	658
12	Gerald C White	641
13	Cecilia Tagliaferri	641
14	Antonio Negron	623

Democracy Slate

15	John Aulicino, Jr	542
16	Ronald J Kutzavitch	523

As indicated by the tally, the margin between the eighth ranked delegate candidate, Joe Konowe, and the ninth ranked delegate candidate, Janet Weeks, was 126 votes

Complainants protested the above election results contending that numerous *Rules* violations and/or irregularities in the election procedure affected the outcome of the election. Specifically, complainants make the following allegations in their protest

1 William Genoese, Sr, a successful candidate for delegate to the IBT International Convention from Local 732 and a candidate for General President of the IBT, received an employer contribution in the form of an election announcement in the Pan Am Newswire. The Election Officer determined in Election Office Case No P-469-LU769-SEC that this announcement violated the *Rules*. The employer has refused to comply with the determination of the Election Officer in that case, the Election Officer has asked the United States Attorney to seek contempt sanctions against it,

2 Other candidates on the Genoese Slate, specifically George Miranda, Vice President of Local 732 and a successful candidate for delegate on the Genoese Slate from Local 732, used employer income to finance campaign expenses in that they remain on the payroll of Pan Am in addition to holding Union positions for which they received some remuneration,

3 The Regional Coordinator improperly determined that 81 ballots cast were not cast by eligible voters on the erroneous basis that said members had not finished paying initiation fees,

4 Bill Chandlee, a successful candidate for delegate on the Genoese Slate, is an employee of USAir and thus no longer eligible to be certified as a delegate since the IBT was decertified on April 26, 1991 as the bargaining representative of those employees,

5 Andrew Pollack, a supporter of the Tadoo/Democracy Slate, was terminated by Pan Am. At his Field Board hearing in February, 1991 the two Union members of the Field Board, both of whom were supporters of the Genoese Slate, voted to deny the grievance concerning his termination, thus preventing his return to work and denying the Tadoo/Democracy Slate the ability to campaign during the delegate election in his work location,

6 Pan Am prevented the Tatro Slate from running a cake sale to raise campaign funds in the cafeteria at Hanger 17 and in the breakroom of cargo building 67 in contrast to a prior practice of allowing such events to occur,

7 Over three hundred members requested duplicate ballots from the Regional Coordinator showing a disparity in the mailing list and the TITAN records,

8 A prior protest filed by Cecilia Tagliaferri, Election Office Case No P-631-LU732-NYC, filed on or about March 4, 1991 was not determined until April 11, 1991 and the delay in the determination impaired the ability of Tatro candidates to campaign, and

9 The Local Union did not timely post the election results from the April 30, 1991 election on all Union bulletin boards throughout the Local as required by the *Rules*¹

Pursuant to Article XI §1 (b) of the *Rules* the Election Officer has conducted an investigation of the protest as set forth above. The results of the investigation and the findings of the Election Officer based thereon are set forth below

I The Eligibility of Bill Chandlee

Complainants contend that Bill Chandlee, a successful candidate for delegate to the IBT Convention on the Genoese Slate from Local 732, is no longer eligible to serve as delegate and was not eligible to serve as of the date of the election. Complainants request that Janet Weeks, the ninth ranked delegate candidate, be certified in his stead. Complainants base their contention on the assertion that Mr. Chandlee is employed by USAir and as of April 26, 1991 the IBT was decertified as the bargaining representative of USAir.

Article VI §1 (a) of the *Rules* provides that to be eligible to run for any Convention delegate, a member must be a member in continuous good standing of the Local Union for a period of 24 consecutive months prior to the month of nomination, be employed at the craft within the jurisdiction of the Local for a period of 24 consecutive months and be eligible to hold office if elected. Neither the *Rules* nor the IBT Constitution require that the IBT be the certified collective bargaining representative

¹Ms. Tagliaferri has advised the Regional Coordinator that she is withdrawing the allegation and the protest concerning the posting of the election results since election results were posted on May 9, 1991. Thus the Election Officer will not further discuss this allegation in this determination letter, but will consider that portion of this protest resolved.

of a member for that member to meet the eligibility requirements set forth above. See In Re Fugger, E-112-LU200-NCE, affirmed, 90-Elec App - 25 (December 27, 1990). Clearly, Mr Chandlee, regardless of the certification status of the IBT, is working at the craft and remains working at the craft even after decertification. In addition, Mr Chandlee is not prevented by the decertification from continuing as a member of the IBT. Therefore, the post-election protest in so far as it relates to Mr Chandlee's eligibility due to the decertification of the IBT as the collective bargaining representative with his employer, USAir, is DENIED.

II Allegations Concerning Improper Employer Contributions

Article X §1 of the *Rules* provides that no employer shall be permitted to contribute anything to any campaign including but not limited to direct monetary contributions or the use of employer stationery, equipment, facilities and personnel. Complainants contend that William Genoese has received an employer contribution because his candidacy for General President of the IBT was announced in the Pan Am Newswire, a in-house news organ controlled and distributed by Pan Am, See Election Officer Case No P-469-LU769-SEC.

They also complain that several members who were candidates on the Genoese Slate and employed by Pan Am received income from the Union while at the same time receiving their pay from Pan Am which allowed these candidates to use the income from Pan Am for campaign expenditures. Specifically, complainants contend that George Miranda, Vice President of Local 732, received income from Pan Am which he used to finance campaign expenditures.

With regard to the allegations concerning candidates, including Mr Miranda, on the Genoese Slate being paid simultaneously by the Local and by the employer, there is no evidence to suggest that the income received from Pan Am was not wages for work performed or payments in lieu of work performed, all being paid pursuant to provisions of a collective bargaining agreement between Pan Am and the Union. Neither the *Rules* nor substantive law prohibit the payment of wages or provision of other benefits by an employer merely because the member also receives some income from the labor organization in which he holds office or has other duties.

The *Rules* do not prohibit and, in fact, protect members' right to make campaign contributions from such member's own monies, such personal funds obviously include wages or other income received by the member. The payments by the employer, Pan Am in this case, are not campaign contributions but wages and may be used by any candidate or supporter for campaign expenditures or contributions. Thus, the Election Officer finds that wages paid by an employer, even if those wages are in addition to wages paid by another employer including the Union, are not campaign contributions within the meaning of Article X §1 of the *Rules*.

As to the publication by Pan Am in the Pan Am Newswire announcing the candidacy of William Genoese for General President of the IBT, the Election Officer has already determined that said publication was in violation of Article X §1 of the *Rules* in a letter dated March 1, 1991. See Election Office Case No P-469-LU769-SEC. In connection with that determination the Election Officer provided that the appropriate remedy for the violation would be to provide similar publicity for all other candidates seeking election as IBT General President. As the complainants contend, Pan Am has not complied with the March 1, 1991 decision of the Election Officer.

Article XI §1 (b) of the *Rules* requires that post-election protests be remedied only if the alleged violation may have affected the outcome of the election. The post-election protest of complainants concerns the delegate election for Local 732. The violation found by the Election Officer in Election Officer Case No P-469-LU769-SEC, and the remedy ordered in that determination, concerns the campaign for IBT General President not the Local 732 delegate election. To the extent that Pan Am has not complied with the determination of the Election Officer, the decision provides a remedy only to those members who are candidates seeking election as IBT General President. Thus, the failure of Pan Am to comply with the determination of the Election Officer in Election Officer Case No P-469-LU769-SEC does not affect the outcome of the Local 732 delegate election.

Based on the foregoing, the allegations of the protest concerning improper employer contributions as described above are DENIED.

III Allegations Concerning Employer Interference in Campaign Activity

Article VII §10 of the *Rules* provides that no restrictions shall be placed upon candidates or members pre-existing rights to use employer or Union facilities to hold fund-raising events. Complainants allege that an employer of Local 732 members, Pan Am, prevented the Tatoo Slate from holding a fund-raising event, a cake sale, even though this type of activity had been permitted by Pan Am in the past.

The Regional Coordinator has conducted an investigation of this allegation. Ms Weeks, one of the complainants herein, advised the Regional Coordinator that the Tatoo Slate had planned to hold a cake sale on the premises of her employer, Pan Am, specifically in the cafeteria located in Hanger 17. This cafeteria is a large room which contains tables and seating for approximately 100 people. It is used by all Pan Am employees, including employees other than IBT members, for meal periods.

Prior to the cake sale date of March 29, 1991, Tatoo posted flyers in the surrounding buildings advertising the cake sale. On the day of the sale, Ms Weeks was advised by several management employees of Pan Am, including Pat Battell, Director

of Labor Relations, that the cake sale could not be held. Ms Weeks advised Mr Battell that another group, AWARE, had a cake sale the previous month and that individual employees sometimes sold food in the hanger areas. Ms Weeks questioned Mr Battell as to why the Tatroo Slate could not hold a cake sale. Mr Battell advised Ms Weeks that he could not give permission for Union groups to hold cake sales since, if he gave permission to one Union group, all Union groups would want to engage in the same activity.

Tatroo, however, during the hours that the sale was advertised, placed the baked goods in the cafeteria, gave the food away and accepted donations in lieu of payment. Ms Weeks stated that the Tatroo Slate had hoped to raise between six and seven hundred dollars from the cake sale. Although the food was given away rather than sold, Ms Weeks reported that approximately six hundred dollars in donations were collected on that date.

As to the past practice of Pan Am, Ms Weeks stated that the cafeteria had been used in the past for a blood bank drive sponsored by another labor organization and also an employee sells sweaters in the cafeteria at Christmas time. Further, in February a non-profit company-sponsored organization called AWARE held an all-day cake sale in the Conference Room of the Personnel Office in Building 213, another building in the Pan Am complex. A copy of the Pan Am Newswire for February 8, 1991 notes that the AWARE bake sale was held in Building 213 as described above. The Newswire also had information about another bake sale held in Miami for the purpose of raising funds for the Clipper Pride, another company-sponsored employee organization.

The Regional Coordinator also contacted Pat Battell, Director of Labor Relations at Pan Am, who stated that there was no written policy as to sales on employer premises for the purpose of fund-raising. Pan Am does have a policy of not allowing employees to engage in other businesses on company property such as selling cosmetics, household goods, etc. Mr Battell further stated that coffee clubs were allowed but employees were not allowed to vend in the hanger areas. In addition, Mr Battell stated that he had no knowledge of AWARE, a Pan Am organization, holding a cake sale on the employers premises. Mr Battell further stated that Pan Am has several Unions which contain various different dissident groups and if one was allowed to have a sale all such groups would have to be allowed to have a sale.

The Election Officer determines that Pan Am has violated Article VIII §10 of the *Rules*. Regardless of Mr Battell's specific knowledge of cake sales held on company property, it is clear that such fund-raising events do occur based upon the statements of Ms Weeks and the articles reported in the Pan Am Newswire concerning two such sales. The reports in the Pan AM Newswire demonstrate company knowledge of these events. The Election Officer finds no reason to distinguish the company permitting company-sponsored not-for-profit employee groups to hold fund-raising sales but

preventing Union related employee groups from engaging in the same activities with, of course, the same restrictions

However, Article XI §1 (b) of the *Rules* requires that a violation of the *Rules* in connection with a post-election protest need only be remedied if said violation may have affected the outcome of the election. First, the protest is here untimely. Ms Weeks was aware of the alleged violation no later than March 29, 1991. Yet Ms Weeks waited until after the conclusion of the April 30, 1991 ballot count to file this protest. A member or candidate, knowing of a violation, cannot wait until after the conclusion of the delegate and alternate delegate election and then seek to set the election aside on the basis of the non-protested violations. See In Re Barclay, 91-Elec. App.-111

Further, and assuming that the protest had been timely filed, the Election Officer would nonetheless, on the basis of this violation, not order the election rerun. Based upon the facts as set forth above, the Election Officer finds that this violation did not affect the outcome of the Election. As Ms Weeks stated, the amount of money collected in connection with the giving away of the baked goods and accepting donations was the same amount that the Tatoo Slate anticipated receiving had the goods been sold. Ms Weeks further stated that additional fund-raising was held on employer premises which was not prohibited by the company and additional donations were obtained through those efforts.

Thus, the Tatoo Slate was not harmed by the action of the company's violation of the *Rules*. It was able to raise campaign funds, and in approximately the same amount it had anticipated through fund-raising on Pan Am property. Accordingly, the allegation of the post-election protest concerning the interference of Pan Am in the fund-raising activities of the Tatoo Slate on Pan Am premises is DENIED.

IV Allegations Concerning Interference with Campaigning

Complainants allege that two incidents occurred which prevented the Tatoo Slate from effectively campaigning among certain portions of the membership of Local 732. The first incident concerned the dismissal of Andrew Pollack, a member of Local 732 employed as a reservation sales agent in the Pan Am building located at 43rd Street and Lexington Avenue in New York. Complainants allege that Mr Pollack was their only known supporter at that work location. They contend that the votes cast in February, 1991, by the Union representatives on the panel hearing Mr Pollack's discharge grievance to uphold Mr Pollack's termination were so cast for the purpose of preventing Mr Pollack from campaigning on behalf of the Tatoo Slate.

Complainants also contend that the Election Officer delayed in issuing a decision in Election Office Case No P-631-LU732-NYC which impaired the ability of the Tatoo candidates to campaign in that the Tatoo Slate hesitated to print flyers until a

determination was made by the Election Officer in the event that the Election Officer sustained their protest and, as a remedy, required the Local to print and distribute Tatoo's campaign flyers

Election Office Case No P-631-LU732-NYC was acknowledged by the Election Officer on March 6, 1991. That protest involved three issues -- the filing of an eligibility protest by Mr. Genoese, alleged intimidation by Local Union stewards and purportedly improper use of the Local's newsletter. It was with respect to this last allegation that a campaign mailing by the Local Union on Tatoo's behalf was sought.

At the time the protest was filed, the Election Officer was investigating Mr. Genoese's protest regarding the eligibility of nine candidates nominated in Local 732's delegate and alternate nominations meeting. Election Office Case No E-250-LU732-NYC². Due to the time necessary to investigate and determine the protest filed by Mr. Genoese concerning eligibility as well as the necessity of dealing with all three separate allegations of Ms. Tagliaferri's protest, the Election Officer did not issue a determination in Election Office Case No P-631-LU732-NYC until April 11, 1991³.

Complainants in their post-election protest state that during the period between the filing of their protest and the decision in Election Office Case No P-631-LU732-NYC, they hesitated to print flyers in hopeful anticipation that the Election Officer would grant the portion of the pre-election protest alleging that the Genoese Slate used a Union publication to support their delegate campaign and provide the requested remedy, i.e., order Local Union 732 to print and distribute campaign literature on behalf of the Tatoo Slate. The Election Officer in Election Office Case No P-631-LU732-NYC found, however, that the Union newsletter, Update, did not violate the *Rules* and accordingly denied Ms. Tagliaferri's protest with respect to that issue, no remedy was granted.

Clearly, members of the Tatoo Slate including Ms. Tagliaferri were aware of the various protests pending before the Election Officer. They were aware of the length of time necessarily consumed in resolving these eligibility protests, it was necessary to

²The Election Officer issued a decision in the eligibility protest filed by Mr. Genoese on March 14, 1991. Said decision was appealed to the Independent Administrator and a decision was issued by the Independent Administrator affirming the Election Officer on March 22, 1991. 91-Elec App -105(SA)

³In P-631-LU732-NYC, Ms. Tagliaferri also asked that, given the eligibility issues uncovered during the investigation of E-250-LU732-NYC, the Local be required to notify all members of their arrearages to enable them to pay such arrearages and participate in the election process. The Election Officer issued his decision with respect to voter eligibility shortly after the Independent Administrator's affirmation of Election Office Case No E-250-LU732-NYC.

reschedule the delegate and alternate delegate election due to the protests

The fact that Ms Tagliaferri or others on the Tatoo Slate may have made a decision to await a determination of the Election Officer, which was delayed because of the pendency of other protests and the nature of the required extensive investigation of the allegations of such protests, was a decision made by the Tatoo Slate and not a violation of the *Rules*. Further, although the determination letter in Election Office Case No P-631-LU732-NYC was mailed on April 11, 1991, the Tatoo Slate completed a campaign mailing to the entire membership on or about April 4, 1991. The slate also distributed flyers at the beginning of March and again on April 10, 1991. Thus, the evidence supplied by the complainants in connection with the investigation of this post-election protest, or otherwise discovered by the Election Officer, does not support the allegation that the Tatoo Slate did not campaign or that its ability to campaign was impaired due to the delay in the decision in Election Office Case No P-631-LU732-NYC.

In connection with the discharge of Andrew Pollack by Pan Am, the investigation revealed that Mr Pollack was last actively employed by Pan Am in November of 1990. During that month he was summarily suspended pending investigation. On December 13, 1990 the Union filed a grievance concerning his suspension. On December 27, 1990 the company formally terminated Mr Pollack, effective November 13, 1990, for a violation of the company's employee rules of conduct i.e. insubordination and misuse of company time. Another grievance was filed. A grievance hearing was held in early January, 1991 and the grievance was denied. The grievance was then appealed to the Field Board and in February, 1991 was again denied. In accordance with the grievance procedure contained in the collective bargaining agreement between the company and the Union, the denial by the Field Board constituted a final decision on the grievance.

Mr Pollack was discharged for allegedly talking to another member while on work time about contract proposals between the company and the Union. Mr Pollack was urging that a ratification vote on the proposed contract be postponed and soliciting signatures on a petition against contract ratification. Pan Am contended that Mr Pollack had previously engaged in similar activity and had received previous warnings about engaging in such conduct. The company introduced in evidence at the Field Board hearing several leaflets which were critical of the Union and the company and which had been distributed by Mr Pollack. All the leaflets but one were signed by Mr Pollack, the remaining leaflet had been prepared by Teamsters for a Democratic Union ("TDU"). None of the leaflets were authored or signed by the Tatoo Slate or concerned the Local 732 delegate and alternate delegate election.⁴ The company also contends that when Mr

⁴Mr Pollack also distributed certain leaflets which, while not dealing specifically with Local 732's election, emphasized the importance of participating in the delegate and alternate delegate election process. It has not been established, however, whether such

Pollack was questioned as to his activity he reacted in an insubordinate manner

During the investigation of this post-election protest Mr Pollack contended that he was not on work time and therefore had a right to discuss this matter with other Union members at his worksite Mr Pollack contends that the two Union members of the field board discriminated against him because he was a vocal opponent of Mr Genoese and the Local Union leadership and a known supporter of TDU The two Union board members, Mr Glassman and Mr Belpanno, were the subject of a protest Mr Pollack had filed concerning surveillance of a TDU meeting Election Office Case No P-8-LU732-NYC, affirmed 90-Elec App -8 (November 7, 1990) Mr Pollack alleges that this protest, which resulted in a finding that the *Rules* had been violated, gave rise to further animus against him by the Union members on the Field Board

Article VIII, § 10 of the *Rules* provides that all Union members retain the right to participate in campaign activities, including the right to run for office, to openly support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions Implicit in the *Rules* is the right to be free from retaliatory action by either the Union or an employer based upon the exercise of those rights Thus, if Mr Pollack was discharged from his employment because of the exercise of his rights under Article VIII, § 10 of the *Rules*, or if the Union appointed members of the Field Board voted against him because of the exercise of those rights, a violation of the *Rules* would be stated Similarly, if the Union members of the Field Board voted against him because of his prior successful utilization of the protest procedures of the *Rules*, a *Rules* violation would be stated

However, this post-election protest was not filed by Mr Pollack The gravamen of the protest before the Election Officer deals not with the propriety of Mr Pollack's discharge or the actions of the Field Board in failing to reinstate him, but with the fact that such allegedly improper discharge and Field Board decision deprived the members of the Tadoo/Democracy Slates from having a supporter at the New York City location where Mr Pollack had been employed prior to his discharge The complainants contend that their deprivation of Mr Pollack's presence in the New York office where he had been employed prior to his discharge had the effect of denying them campaign access to the other members employed at that same location

Complainants knew, or should have known, of this alleged deprivation long prior to the time of the delegate and alternate election in Local 732 Mr Pollack was summarily suspended and told to leave his work premises in November, 1990 He was formally discharged on December 27, 1990 The Field Board sustained such discharge in February, 1991 All these events occurred prior to Local 732's nominations meeting

leaflets were introduced before the Field Board

Thus at the very time the members of the Tatoo or Democracy Slates were nominated they were aware, or should have been aware, that Mr Pollack had been permanently terminated from his employment with Pan Am and would not be available to them to campaign at the worksite in New York City where he had worked prior to November, 1990. No protest was filed. It was only after the delegate and alternate delegate election for Local 732 had concluded that this matter was brought to the attention of the Election Officer. A member or candidate, knowing of an alleged violation, cannot wait until after the conclusion of the election process and then seek to set the election aside on the basis of a violation which occurred prior to the time of nomination. In Re Barclay 91-Elec App -111

For the reasons as stated above, the allegations of the post-election protest concerning impairment to the ability to campaign of the Tatoo Slate are DENIED

V Allegations Concerning Irregularities in the Conduct of the Election

Complainants also allege that there were irregularities in the conduct of the mail ballot election. Specifically, complainants contend that over three hundred members had to request duplicate ballots. Thus, they question the accuracy of the mailing roster used by the Regional Coordinator to mail the ballots to the membership. They ask to inspect all election records, e.g. eligibility lists, return envelopes, etc., in the possession of the Election Officer. The complainants also contend that 81 ballots were improperly challenged and not counted on the basis of an alleged failure of such voters to fully to pay their initiation fee. The complainants state that they know of no Local 732 members who were hired recently. Thus, they contend that all initiation fees should have been previously checked off by the employer and thus no ballots should have been challenged on this basis.

The Regional Coordinator has advised the Election Officer that subsequent to the initial mailing of the ballots on or about April 4, 1991 an additional 373 ballots were mailed. Of the additional ballots mailed, 77 were mailed in response to requests by members. Additional ballots were mailed when the initial mailing was returned as being undeliverable and the Regional Coordinator was able to obtain a better address for the member. Additional ballots were also mailed when the mailing roster was updated to include new members.

Complainants present no evidence that any individual member did not receive a ballot. The Notice of Election advised all Local 732 members that a ballot could be requested from the Regional Coordinator if a ballot had not been received in a timely fashion. See also *Rules*, Article XII §3 (c)(3). Further the ballot instructions notified all Local 732 members of the criteria which would be utilized by the Election Officer in determining voter eligibility. See Election Officer Case No. E-250-LU732-NYC. All

members of Local 732 were made aware of the election procedures and the course to be followed in the event a ballot was not received

Further all delegate and alternate delegate candidates, including the protestors here, were notified by letter dated February 22, 1991 of their right to inspect the list of eligible voters prior to the election. See *Rules*, Article VIII, § 2(a). Further each candidate was notified of his/her right to observe the totality of the processing and mailing of the ballots as well as the remaining of any undeliverable ballot packages. Immediately before the ballot count, the candidates and observers were notified of the number of additional ballots mailed and their ability to check the returned ballots against the election day eligibility roster. No delegate or observer for the Tatoo/Democracy Slate took advantage of such opportunities. The candidates and observers were also notified that they could make notations with respect to the identity of the voters as such ballots were checked against the election day eligibility roster. Aside from certain notations made by Mr. Pollack, no member or observer for the Tatoo/Democracy Slate attempted to note the identity of any voter.

The Election Officer does not find that any irregularities occurred in connection with the mailing of the ballots or in the mailing of additional ballots. All candidates and their observers were given their full right to observe the totality of the process, including the mailing of the ballots, the names of the members to whom ballots were mailed and the checking of the voted ballots against the eligibility list. There were no irregularities or violations which impacted the outcome of this election.

Finally, complainants contend that 81 ballots were challenged and not counted on the basis that those members were not members in good standing because they had not fully paid their initiation fee. They request that said challenges be reviewed and these members' ballots be counted. There were 142 ballots challenged at the election. The margin between eighth and ninth ranked delegate candidates was 126 votes. Thus, the Election Officer has conducted an investigation into the challenge to the 142 ballots that were not counted.

The investigation conducted by the Election Officer reveals that of the 142 ballots challenged, 66 were challenged on the basis of non-payment of initiation fee. During the course of the investigation into this allegation of the post-election protest it was determined by a review of the TITAN records that at least 20 of the ballots challenged based on non-payment of initiation fee were properly challenged and the challenges properly sustained. Each of these members, all of whom were paying their initiation fee through check-off, had not been employed a sufficient length of time to complete payment of the initiation fee. Since a review of the challenged ballots for those members reduces the number of questioned challenges to 122, an amount insufficient to affect the outcome of the election, no further review of the challenged ballots was conducted by the Election Officer. Accordingly, the allegation in the post-election protest concerning

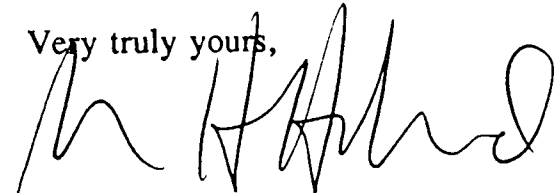
the ballot challenges that were sustained by the Regional Coordinator is DENIED

VI Conclusion

In summary, the Election Officer has determined that Pan Am has violated the *Rules* by preventing the Tatoo Slate from holding its fund-raiser cake sale on company premises. However, the Election Officer has determined that said violation did not affect the outcome of the election. The Election Officer has found that the remaining allegations of the post-election protest do not support a finding that the *Rules* have been violated or that such violations, if any, were timely brought before the Election Officer. The Election Officer has also determined that there was no irregularity in the election process. Thus, the post-election protest is denied in its entirety.

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/mjv

cc Frederick B. Lacey, Independent Administrator
Amy Gladstein, Regional Coordinator