

August 16, 1995

**VIA UPS OVERNIGHT**

Steven Lindquist, President  
IBT Local Union 325  
4240 Sesame Terrace  
Cherry Valley, IL 61016

Ted Sherman, Secretary-Treasurer  
IBT Local Union 325  
5533 Eleventh Street  
Rockford, IL 61109

**Election Office Case No. P-116-LU325-CHI**

Gentlemen:

A pre-election protest was filed pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election* (“*Rules*”) by Steven Lindquist, President of Local Union 325. The protester alleges that Local Union 325 Secretary-Treasurer Ted Sherman campaigned on behalf of himself, his slate of candidates and IBT General President Ron Carey at a Local Union meeting in violation of the *Rules*. The meeting took place at the Local Union 325 union hall.

Mr. Lindquist contends that Mr. Sherman campaigned at a July 22, 1995 meeting called to discuss proposed changes in the operation at an employer, Roadway Express, by the closing of Roadway’s facilities in Rock Falls, Illinois, and Janesville, Wisconsin. Mr. Lindquist states that Mr. Sherman’s campaigning “has imposed severe restrictions on our ability to have the same access to campaign to this captive audience of about 25 members.”

This protest was investigated by Regional Coordinator Julie E. Hamos.

Mr. Sherman opened the July 22 meeting by introducing himself to the union members. The meeting was attended by members from Local Union 579 and Local Union 722 members who will become members of Local Union 325 due to terminal closings.

While introducing himself, Mr. Sherman said: “I am not a Ron Carey basher. I respect

the President's office, and I respect the President." Mr. Sherman explained his leadership philosophy at Local Union 325 by stating that he believes in a democratic system with active input from the membership and membership voting on important policy issues. Mr. Sherman also told the group that Local 325 stewards are elected and not appointed.

After Mr. Sherman concluded his introduction, which lasted approximately one to two minutes, he turned to Mr. Lindquist and asked him if he would like to add anything. Mr. Lindquist replied, "I think we should stick with the Roadway changes." The meeting, in its entirety, lasted approximately one hour.

Local 325 is scheduled to have both its Local Union officer and delegate elections this fall.

Mr. Lindquist does not dispute the statements made by Mr. Sherman but claims these comments and the holding of such a meeting constitutes campaigning and requires equal access be provided to his slate of candidates.

Article XII, Section 1(b)(3) of the *Rules* states, in relevant part:

No union funds or other things of value shall be used, directly or indirectly, to promote the candidacy of any individual. Union funds, facilities, equipment, stationery, personnel, etc., may not be used to assist in campaigns unless the Union is compensated at fair market value for such assistance, and unless all candidates are provided equal access to such assistance and are advised in advance, in writing of the availability of such assistance.

While a Local Union is not required to permit campaigning at a union meeting by union members or candidates, when such campaigning is permitted, equal access and notice must be provided to all candidates. Article VIII, Section 5(a)(1)-(4).

Mr. Sherman is the principal officer of Local Union 325. His comments upon meeting with the new Roadway workers for the first time, rather than campaigning were of the nature one might expect a principal Local Union officer to make in a meeting where the members are transferring to his Local Union. Mr. Sherman made no reference to the upcoming delegate or officer elections. While he did mention Mr. Carey's name when speaking to this group of members, his remarks did not constitute advocacy of Mr. Carey's candidacy. Nor did Mr. Sherman advocate on his own behalf or that of a slate of candidates. The subject matter of the meeting was about the Roadway Change of Operations, an issue of legitimate concern to the gathering. See, Camarata v. Int'l Bhd. Of Teamsters, 478 F. Supp. 321, 330 (D.D.C. 1979), aff'd, 108 L.R.R.M. (BNA) 2924 (D.C. Cir. 1981).

Since the Election Officer finds that no campaigning occurred at the July 22 meeting, the equal access provisions of Article VIII, Section 5, of the *Rules* are not applicable.

For the foregoing reasons, Mr. Lindquist's protest is DENIED.

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Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one day of 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:

Kenneth Conboy, Esq.  
Mudge, Rose, Guthrie, Alexander & Ferdon  
180 Maiden Lane, 36th Floor  
New York, NY 10038  
Fax (212) 248-2655

Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 North Capitol Street, Suite 855, Washington, D.C. 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel  
Election Officer

cc: Election Appeals Master Kenneth Conboy  
Julie E. Hamos, Regional Coordinator