

November 15, 1995

**VIA UPS OVERNIGHT**

Archie J. Cook  
4508 Balmoral Drive  
Richton Park, IL 60471

John McCormick, President  
Teamsters Local Union 705  
1645 W. Jackson Boulevard  
Chicago, IL 60612

Charles Teas  
Teamsters Local Union 705  
1645 W. Jackson Boulevard  
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Mike Marasovich  
Teamsters Local Union 705  
1645 W. Jackson Boulevard  
Chicago, IL 60612

**Re: Election Office Case No. P-173-LU705-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 Archie J. Cook, a member of Local Union 705. The protester first alleges that Local Union 705 representatives ignored the past practice at Yellow Freight by advising drivers there that only Local Union 705 and the employer were permitted to use work-site bulletin boards. The protester also alleges that Local Union 705 representatives further violated the Yellow Freight drivers' protected campaign rights of members at Yellow Freight by instructing them that they are prohibited from campaigning on company property before or after their shifts, or during break times.

Local Union 705 denies that it advised Yellow Freight drivers that no one other than their employer and local union had access to work-site bulletin boards. Local Union 705 states, however, that it believes that "information concerning the operation of the union should be on the bulletin boards and not political information," and has instructed its representatives to ask employers to remove "postings of a political nature." As to the other allegation, Local Union 705 denies that it advised drivers that campaigning was prohibited before or after their shifts or during breaks. The local union states that its position on when campaigning is permitted at work is consistent with the *Rules*.

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

Article VIII, Section 11(d) of the **Rules** provides:

No restrictions shall be placed upon candidates' or members' preexisting rights to use employer or Union bulletin boards for campaign publicity. Similarly, no restrictions shall be placed upon candidates' or members' preexisting rights to solicit support, distribute leaflets or literature, conduct campaign rallies, hold fund-raising events or engage in similar activities on employer of union premises. Such facilities and opportunities shall be made available to all candidates and members on a nondiscriminatory basis.

The investigation disclosed that at various work sites where employees are represented by Local Union 705, members were permitted access to bulletin boards for campaign publicity during the 1990-1991 IBT delegate and officer elections and the recent local union officer election. More recently, however, Local Union 705 members report that campaign literature pertaining to the local union delegate elections has been removed from union bulletin boards at various work sites.

Given the fact that Local Union 705 members had access to employer bulletin boards for campaign publicity prior to the current delegate election, Local Union 705's position that campaign literature may not be posted on work site bulletin boards violates the **Rules**. There is no evidence that Local Union 705 has attempted to limit its members' campaign rights in any other manner.

Accordingly, the protest is GRANTED in part, and DENIED in part.

When the Election Officer determines that the **Rules** have been violated, she "may take whatever remedial action is appropriate." Article XIV, Section 4. In fashioning the appropriate remedy, the Election Officer views the nature and seriousness of the violation as well as its potential for interfering with the election process. To remedy this violation, the Election Officer hereby orders that Local Union 705 post, for a 30-day period, the enclosed Notice to Local Union 705 members on all bulletin boards where Local Union 705 notices are normally posted.

The Election Officer further orders that within two (2) days of posting the notice, Local Union 705 shall file an affidavit with the Election Officer setting forth the steps it has taken to comply with this decision and order.

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

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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.  
Latham and Watkins  
885 Third Avenue, Suite 1000  
New York, NY 10022  
Fax (212) 751-4864

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

## **NOTICE TO TEAMSTER LOCAL UNION 705 MEMBERS**

You have the right to participate in campaign activities on behalf of candidates for delegate and alternate delegate to the 1996 IBT Convention.

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

You have the right to post campaign material on general-purpose bulletin boards not reserved for official company or union announcements where bulletin boards have been used in the past for similar postings. However, these bulletin boards will be the only place campaign literature may be posted.

No one, no union representative or member nor company official can intimidate, harass, threaten or prohibit you from engaging in the above-described campaign activity.

Local Union 705 will not interfere with your right to post campaign material on the bulletin boards designated above in the same manner as used in the past.

You do not have the right to engage in any conduct which reduces production, decreases discipline, is unsafe or in any way interrupts the business of your employer.

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Gerald Zero, Secretary-Treasurer  
Local Union 705

***This is an official notice and must remain posted for 30 consecutive days from the day of posting, and must not be altered, defaced or covered by any other material.***

***Prepared and approved by Barbara Zack Quindel, Election Officer, IBT.***