

October 31, 1995

VIA UPS OVERNIGHT

Clifford T. Chentnik
N3066 Apricot Road
Lake Geneva, WI 53147

Edward J. Sherman, Secretary-Treasurer
Teamsters Local Union 325
5533 11th Street
Rockford, IL 61109

Re: Election Office Case No. P-182-LU325-CHI

Gentlemen:

A pre-election protest was filed pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-96 IBT International Union Delegate and Officer Election* ("**Rules**") by Clifford T. Chentnik, a member of Local Union 325. The protester alleges that the **Rules** were violated when an unidentified individual or individuals vandalized his car with adhesive stickers that read "TDU SUCKS." The protester contends the stickers were distributed by Edward J. Sherman, Secretary-Treasurer of Local Union 325. The protester further alleges that the officers and business agents of Local Union 325 exhibit "a sophomoric tough guy facade" which encourages such behavior.

Mr. Sherman responded that he neither printed nor distributed the stickers and had no knowledge of who had put them on Mr. Chentnik's vehicle. He also stated that he would discharge any employee of the local union who put "anything on anyone's car."

Regional Coordinator Julie Hamos investigated the protest.

The investigation revealed that on September 28, the protester went to the business office of Local Union 325 at approximately 9:00 a.m. He remained there, inspecting collective bargaining agreements pursuant to the **Rules**, until about 1:00 p.m. When he returned to the local union parking lot, he found that eight stickers emblazoned with the words "TDU SUCKS" had been affixed to painted surfaces of his vehicle. He removed the stickers and filed a police report.

Article VIII, Section 11(a) of the **Rules** declares that all local union members retain the right to participate in campaign activities, including the right to run for office. The **Rules** also prohibit retaliation for exercising any right guaranteed under the **Rules**. Article VIII, Section 11(f).

The protester provided the Election Officer with no direct evidence that officers of the local union distributed the stickers, attached them to his car, or openly or covertly encouraged such activity. Nor did the investigation disclose information that supported the protester's allegations.¹ As a result, even though no party disputes the fact that Mr. Chentnik's vehicle was vandalized, an insufficient factual basis exists for finding a **Rules** violation.

Based upon the foregoing, the protest is DENIED.

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

¹Several witnesses, however, gave statements that Mr. Sherman did not print or distribute the stickers.

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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