

January 3, 1996

VIA UPS OVERNIGHT

Bob Blanchet  
3853 Dryden Road  
Fremont, CA 94555

Airborne Express  
605 Vista Way  
Malpitas, CA 95035

William Boe  
Director of Labor Relations  
Airborne Express  
3101 Western Ave.  
Seattle, WA 98104

Paul Alan Levy  
Public Citizen Litigation  
1600 20th St., N.W.  
Washington, D.C. XXX-XX-XXXX

**Re: Election Office Case No. P-228-LU287-CSF**

Gentlepersons:

Bob Blanchet, a member of Local Union 287, filed this protest pursuant to Article XIV, Section 2(b) of the *Rules for the IBT 1995-1996 International Union Delegate and Officer Election ("Rules")*. The protester alleges that his employer, Airborne Express ("Employer") prohibited him from wearing a button supporting the reelection of Ron Carey for general president despite the employer's preexisting policy permitting employees to wear buttons concerning union matters.

This protest was investigated by Regional Coordinator Matthew D. Ross. There is no dispute that the Assistant Operations Manager at the Employer's Malpetas, California facility advised employees, including the protester, that they could not wear pro-Carey buttons. The employer had permitted employees to wear campaign buttons in the last election and the employees are permitted to

Bob Blanchet  
January 3, 1996  
Page 2

wear small union buttons and a shop steward pin. After the

Bob Blanchet  
January 3, 1996  
Page 3

announcement, the protester continued to wear a two inch "Ron Carey State" button without incident.

The **Rules** at Article VIII, Section 11(a) and (b) provide that all union members have the right to participate in campaign activities, including the right "to openly support or oppose any candidate [and] to aid or campaign for any candidate." While members do not have a right to campaign on work time, whether paid by the union or another employer, campaigning incidental to work (or on paid lunch hours or breaks, or similar paid time off) or union business does not violate the **Rules**.

The **Rules** at Article VIII, Section 11(d) also provide that "no restrictions shall be placed upon candidates' or members' preexisting rights to solicit support, distribute leaflets or literature, conduct campaign rallies, hold fundraising events or engage in similar activities on employer or Union premises." Among the rights so protected by the **Rules** is the right of IBT members to wear campaign emblems on buttons, T-shirts or hats while working. See Republic Aviation Corporation v. N.L.R.B., 324 U.S. 793 (1945); Malta Constr. Co., 276 N.L.R.B. 1494 (1985), enforced, 806 F. 2d 1009 (11th Cir. 1986).

However, a member's right to wear campaign emblems, including buttons, while on work time may be circumscribed by the member's employer or the public at large. The employer may prevent the wearing of campaign emblems where the prohibition is necessary to maintain production and discipline, safety, or to prevent alienation of customers.

Following communications between the Election Officer and representatives of Airborne Express, the employer agreed to permit employees to wear buttons pertaining to delegate and International officer elections as long as the button is no larger than two inches in diameter. The protester has worn his Carey campaign button without incident.

Under these circumstances, the Election Officer concludes that further processing of this protest is unwarranted. The protester's complaint therein was adequately remedied by the employer.

Based upon the foregoing, the protest is RESOLVED,

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:

Bob Blanchet  
January 3, 1996  
Page 4

Kenneth Conboy, Esq.  
Latham & 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  
Matthew D. Ross, Regional Coordinator