February 7, 1996

VIA UPS OVERNIGHT

Marilyn D. Worley
7601 Quebec Drive
Huntington Beach, CA 92648

Mary Lou Salmeron, Recording Secretary
Teamsters Local Union 986
1616 W. 9th Street, Room 300
Los Angeles, CA 90015

Michael J. Riley, Secretary-Treasurer
Teamsters Local Union 986
1616 W. 9th Street, Room 300
Los Angles, CA 90015

Re: Election Office Case No. P-294-LU986-CLA

Gentlepersons:

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 Marilyn D. Worley, a member of Local Union 986 and a candidate for delegate. Ms. Worley contends that at the nomination meeting held on January 4, 1996, Local Union 986 Secretary-Treasurer Michael J. Riley and Recording Secretary Mary Lou Salmeron attempted to bribe and intimi-date her into not running for a delegate position, in violation of Article VIII, Section 11 of the ***Rules***. During the investigation, Ms. Worley also alleged that Armando Morales was intimi-dated into not running for a delegate position.

Mr. Riley admits he had a conversation with the protester during the meeting, but that he merely wanted to make certain that she wanted to go to the International convention as a delegate rather than as a guest. He asserts that the conversation was not intimidating and the fact that Ms. Worley was nominated as a delegate demonstrates that she was not intimidated.

The protest was investigated by Regional Coordinator Dolly Gee.

Local Union 986's nomination meeting was held on January 4, 1996. At the outset of the meeting, the Election Officer's representative, Ms. Gee, explained that she was appointed to oversee the election process by Election Officer Quindel and that her role was to enforce the

Election Rules and ensure that all members who wish to and who are eligible have the right to participate in the election process. Ms. Worley was nominated for delegate, along with 21 other members who were nominated for delegate and alternate. The local union has 21 delegate and alternate delegate positions.

After the nominations were completed, Mr. Riley requested a five-minute break to try to see what he could do to get a "white ballot." (A white ballot occurs where there is there is no election because there are uncontested nominees for all positions.) Ms. Gee granted the request.

Mr. Riley then approached Ms. Worley and asked her if she would like to go to the convention as a "guest." A co-worker standing with Ms. Worley told Mr. Riley, "Don't try to buy Marilyn off, it won't work. She wants to be a delegate." According to Ms. Worley, Mr. Riley then stated that he could make sure she went to the convention, but running for a delegate would cost her about $20,000. He also stated that the local union had over 16,000 members and 300 job sites. Ms. Worley responded that she wanted to run for delegate.
Mr. Riley then returned to the meeting hall.

A few minutes later, Ms. Salmeron asked to speak with Ms. Worley. Ms. Salmeron then told Ms. Worley that she was a Hoffa supporter and expressed her hope that Ms. Worley would be supporting Mr. Hoffa also. Ms. Worley advised Ms. Salmeron that she intended to support Ron Carey for general president. Ms. Salmeron then returned to a meeting of the other delegate nominees and told them that Ms. Worley had indicated she was a Carey supporter. Several witnesses then relate that delegate nominee Chris Griswold then offered to withdraw so the local union would not have to conduct an election.

Thereafter, when the meeting reconvened, Ms. Worley was among the unopposed delegate and alternate delegate candidates for the local union.

The ***Rules***, at Article VIII, Section 11(a), guarantee all union members "the right to participate in campaign activities including the right to run for office . . ." The Election Officer recently stated that "[i]n order for the right to run for office under Article VIII, Section 11(a) to be effective, it must not be restrained or discouraged by other members or those in a position to intimidate other potential candidates." Port, P-286-LU78-CSF (January 17, 1996). While it appears that Mr. Riley was, in part, attempting to discern whether Ms. Worley was interested in being a delegate or just wanted to attend the conven-tion, as the local union secretary-treasurer, he was also in a position to intimidate her. The Election Officer finds that the remarks concerning the costs and extent of campaigning needed to be a delegate were made to discourage Ms. Worley from attempting to seek the delegate position. These remarks, however, are within the type of robust "free speech" that frequently occurs in election campaigns. Mr. Riley's statements to Ms. Worley did not contain a threat--either express or implied. See Lozanski, Case No. P-498-LU705-CHI (February 22, 1991); Griffen, Case No. P-251-LU251-ENG, et seq. (January 24, 1991). In these circumstances, they are not a violation of the ***Rules***.

The conversation between Ms. Salmeron and Ms. Worley was merely informational. There is no dispute that Ms. Salmeron was simply trying to find out which candidate for general

president Ms. Worley intended to support.

As to Ms. Worley's contentions regarding Mr. Morales, there is no evidence of intimidation. Mr. Morales denies any intimidation and is adamant in his statement that he simply changed his mind and decided not to run for delegate.

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 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
Dolly Gee, Regional Coordinator