

March 20, 1996

**VIA UPS OVERNIGHT**

Mary Strzezewski  
440 E. Montrose, Unit #205  
Wood Dale, IL 60191

Gerald Zero, Secretary-Treasurer  
Teamsters Local Union 705  
1645 W. Jackson Boulevard  
Chicago, IL 60612

**Re: Election Office Case No. P-416-LU705-CHI**

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 Mary Strzezewski. Ms. Strzezewski alleges that she was discharged from her employment with Local Union 705 because of her political views concerning the International officer election.

Local Union 705 responds that Ms. Strzezewski was discharged because she was unable to satisfactorily perform her work responsibilities and her "inability or unwillingness" to carry out the policies of the local union's officers and executive board. The local union denies that Ms. Strzezewski's dismissal was politically motivated.

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

The investigation revealed that the protester had been employed by the local union and its pension and welfare funds for 19 years. Prior to her discharge, she held the position of contributions manager. On February 2, 1996, Local Union 705 President Gerald Zero sent Ms. Strzezewski a letter informing her of his decision to terminate her employment. In the letter, Mr. Zero attributes the discharge to "unsatisfactory job performance and, additionally, because I would no longer entrust you to carry out union policy in the future . . ."

Article VIII, Section 11 of the **Rules** affords every union member the right to run for office. Article VIII, Section 11(f) of the **Rules** prohibits any form of retaliation against a member for exercising his or her rights guaranteed by the **Rules**. If the Election Officer finds that an IBT member has been disciplined or discharged in violation of the **Rules**, the Election Officer can order a remedy nullifying the discipline or reinstating the member with full back pay. See, e.g., Mello, P-782-LU526-ENG (October 11, 1991). The protester urges that the Election Officer should award her back pay and full fringe benefits because the local union discharged her for her political allegiance.

In support of her allegation, Ms. Strzezewski supplied the Election Officer with documents intended to demonstrate that the quality of her work was not unsatisfactory. She contends that she received regular salary increases and directed the investigator to speak with her supervisor at the local union's health and pension funds. This supervisor, Barbara Reynolds, stated that "she had no problems with [Ms. Strzezewski's] work." Ms. Reynolds conceded that Ms. Strzezewski made periodic errors, but stated that she was not aware that the problems were of the magnitude described by Mr. Zero in his letter.

In its response, the local union criticized the protester's job performance in the execution of her duties as an employee of the local union, not the funds. According to the local union, Ms. Strzezewski resisted efforts to reform the local union's record-keeping system and its procedure for notifying members of dues issues. The local union accuses Ms. Strzezewski of general incompetence and intransigence in the face of new policy.

To support her allegation of retaliation, Ms. Strzezewski stated that she knew of incidents where people had overheard Mr. Zero making statements that her discharge was politically motivated, including Ms. Reynolds. When asked whether the protester was fired for political reasons, however, Ms. Reynolds responded, "I cannot say that."

In order to establish that an employer discharge violates the **Rules**, a protester must provide evidence that indicates that he or she was dismissed out of a motivation to retaliate, harass, or intimidate the protester from or for participating in the delegate or International officer election. For example, a discharge which would violate Title VII of the Civil Rights Act because it was motivated by religious, ethnic, or gender discrimination would not necessarily provide a basis for a finding of a **Rules** violation unless the protester is able to show a connection between the protested action and the exercise of a right guaranteed under the **Rules**.

Ms. Strzezewski has not provided sufficient evidence that her discharge was motivated by an intention to retaliate against her for her political affiliation. Without deciding the merits of her discharge, the Election Officer acknowledges that both sides have provided evidence in support of their contentions regarding the protester's performance. Ms. Strzezewski has failed, however, to demonstrate that her discharge was done because of her support for any candidate for International officer. The evidence provided by Ms. Strzezewski with which she purports to demonstrate political retaliation is not persuasive and not corroborated by her witness. In essence, she has failed to show that the **Rules** have been violated in any way.

Accordingly, Ms. Strzezewski's protest is DENIED.

Mary Strzezewski  
March 20, 1996  
Page 3

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

Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 N. Capitol Street, Suite 855, Washington, DC 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