

February 29, 1996

VIA UPS OVERNIGHT

Charles Lee  
Teamsters Local Union 299  
2741 Trumbull Avenue  
Detroit, MI 48216

Don Dunsmore  
24290 Mount Olive  
Flat Rock, MI 48134

Re: Election Office Case No. P-435-LU299-MGN

Gentlemen:

Charles Lee, a business agent for Local Union 299, filed a protest pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")* alleging that Don Dunsmore, a member of Local Union 299, violated the *Rules* by wearing campaign material and distributing campaign literature at a meeting of the Central Committee for the National Carhaul group of IBT members held February 7-8, 1996.

Mr. Dunsmore admits that he wore campaign material at the meeting but denies that he distributed campaign literature there. He contends, however, that he had a right to wear campaign material since he did not attend the meeting as a union official.

Regional Coordinator William A. Wertheimer investigated the protest.

On February 7, 1996, at a hotel near the Detroit Metropolitan Airport, the Central Committee for the National Carhaul group held a meeting to hear grievances. Mr. Dunsmore, a shop steward for

Local Union 299, attended the meeting while he was on sick leave. He attended to visit with friends. He had no official union business to conduct there. During the time that Mr. Dunsmore was on sick leave, the local union had appointed another member, Joe Renedo, to serve as acting steward in Mr. Dunsmore's absence. While at the meeting, Mr. Dunsmore wore a "Hoffa" cap and a button stating "Hoffa '96" on his jacket.

When the protester came out of a meeting and saw Mr. Dunsmore in the hallway, he accused him of wearing the cap and button illegally. The two argued for a minute or so. Mr. Lee, the protester, claims that following their run-in, Mr. Dunsmore left and returned with "Hoffa" campaign literature that he proceeded to distribute. Mr. Dunsmore admits to the conversation but denies he distributed literature.

Other union members at the meeting wore campaign buttons, but they have not been identified to the Election Officer.

Under Article VIII, Section 11(b) of the *Rules*, union officers "retain 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 the provision prohibits officers from campaigning on union time, it allows "campaigning incidental to regular Union business," as well as "campaigning during paid vacation, paid lunch hours or breaks, or similar paid time off."

The *Advisory on Wearing of Campaign Buttons and Other Emblems* ("Advisory") issued by the Election Officer on September 20, 1995. It states that the *Rules* protect the right of IBT members, including union officers and employees, "to wear campaign emblems on buttons, t-shirts or hats while working." (Citations omitted.) In regard to union officers, the Advisory specifies as follows:

[T]hey may not wear such [campaign] emblems when representing the Union before or with an unrelated third party. Thus, Union officers, business agents and employees may not wear campaign emblems when meeting with an employer of IBT members for collective bargaining or grievance resolution, when participating either as an advocate, witness or panel member in grievance hearings . . . when making public appearances on behalf of the Union, or when engaged in similar type activities where the wearing of a campaign emblem might inappropriately suggest that the Union with which the officer . . . is affiliated, is an entity supporting or opposing any particular candidate or group of candidates.

Thus, the Election Officer held in Green, Case No. P-320-LU20-SEC (February 7, 1996) that a union official who attends a grievance committee meeting as a representative of his local union, joint council and conference may not wear a campaign button at the meeting, even though he did not

serve on a panel or play any role in a grievance hearing. The Election Officer found that the official attended the meeting to advance the interests of the various subordinate bodies, for example, by attempting to secure an appointment for a member of Local Union 20 on the grievance committee, and by being available as a grievance panel member if a vacancy became available. The Election Officer concluded that by wearing a campaign button, the official "might inappropriately suggest" to the employers present at the meeting that the entities he represented support a particular candidate.

Here, unlike in Green, the subject of the protest attended the Carhauers' grievance meeting for social reasons and not as an official representative of or to advance the interests of any subordinate body. He did not attend on union time. There is no evidence that suggests that any management representative would conclude that Local Union 299 or any other subordinate body supported Mr. Hoffa because Mr. Dunsmore wore campaign material. Even if Mr. Dunsmore distributed campaign literature outside the meeting, he did not do so on union time and such activity is permissible under Article VIII, Section 11(a) of the *Rules*.

Accordingly, 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

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

Charles Lee  
February 29, 1996  
Page 4

cc: Kenneth Conboy, Election Appeals Master  
William A. Wertheimer, Jr., Regional Coordinator