

April 1, 1996

VIA UPS OVERNIGHT

Dane Passo
6811 W. Roosevelt Road
Berwyn, IL 60402

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

Re: Election Office Case No. P-616-LU705-CHI

Gentlemen:

Dane Passo, a member of Local Union 705, filed a pre-election protest pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")*. Mr. Passo alleges that Gerald Zero, secretary-treasurer of Local Union 705, failed to comply with the Election Officer's remedy in her consolidated decision, Passo, et al., P-469-LU705-CHI, et seq., which instructed that two notices, one addressing Mr. Passo's behavior and the other addressing Mr. Zero's, be posted side-by-side on all union bulletin boards. Mr. Passo asserts that the posting was faxed to the designated sites from Local Union 705 at half the required size of 8½×11 inches. Additionally, he contends that the posting was "so small and smeared that it could not easily be read" and that it was folded over so that only the notice signed by Mr. Passo was evident.

The charged party denies the allegations, stating that he did not think that reducing the postings constituted "altering." He explained that he reduced the two postings to fit onto one sheet of paper to discourage the possibility that one of the two postings would be removed, indicating impermissible "support or favoritism."

The protest was investigated by Regional Coordinator Bruce Boyens.

The facts are undisputed. Related pre-election protests were filed, pursuant to Article VIII, Section 2(b) of the *Rules*, by members of two factions that engaged in a physical confrontation in the union hall of Local Union 705 on February 14, 1996. On February 28, 1996, the Election Officer issued a decision in these protests. Violations were found and two notices were ordered to be posted within two days of the date of the original decision. One notice addressed Mr. Passo's behavior, the other Mr. Zero's. As secretary-treasurer, Mr. Zero was responsible for posting both notices on the bulletin boards in the local union.

Although Mr. Passo did not offer any evidence to support his claim that the original posting was folded in half so that only his portion was shown on the bulletin board, the Election Officer finds that Mr. Zero committed a technical violation by altering the postings so that they would both fit on a single 8½×11-inch sheet of paper. Upon the Election Officer's instruction, Mr. Zero posted the two notices properly (i.e., each on its own 8½×11-inch sheet of paper).

On March 8, 1996, an appeal was heard before the Election Appeals Master. In the decision on remand, the Election Officer reconsidered her original remedy and directed a more stringent remedy. In light of the fact that Mr. Zero promptly corrected his error and that a new remedy has been directed, Mr. Passo's present protest is no longer an issue.

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:

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

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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 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
Bruce Boyens, Regional Coordinator
Julie E. Hamos, Regional Coordinator