

November 14, 1997

VIA UPS OVERNIGHT

Mike Campanella
P.O. Box 185
Westchester, OH 45071

Ron Carey, General President
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001

Paul Bunch, Manager
Roadway Cincinnati Terminal
10074 Princeton-Glendale Road
Cincinnati, OH 45246

Barbara J. Leukart, Esq.
Jones, Day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, OH 44144

Richard Brook, Esq.
Cohen, Weiss and Simon
330 W. 42nd Street
New York, NY 10036

Patrick J. Szymanski, Esq.
Baptiste & Wilder
1150 Connecticut Avenue, NW
Suite 500
Washington, DC 20036

Re: Election Office Case No. PR-025-IBT-NCE

Gentlepersons:

A pre-election protest was filed by Mike Campanella, a member of Local Union 100, pursuant to the ***Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")*** against the IBT and Ron Carey. The protester alleges that Mr. Carey visited a work facility in violation of the ***Rules*** and that the operator of the work facility, Roadway Express, Inc. ("Roadway"), improperly permitted him access. Mr. Carey, the IBT and Roadway deny any violation of the ***Rules***.

The protest was investigated by Regional Coordinator Judith E. Kuhn.

The investigation discloses that William Wright, president of Local Union 100, invited Mr. Carey to speak at a rally organized to oppose "Issue 2," a referendum on a proposed bill that would have modified Workers' Compensations laws in Ohio. Previously, the IBT had supported efforts to oppose the adoption of this proposed law in Ohio, as well as similar laws in other states. Mr. Carey spoke at a rally in Cincinnati and also visited several work sites. He arrived at a Roadway facility on the afternoon of October 29, 1997, where he spoke briefly

concerning the IBT's opposition to "Issue 2" and against the "Fast Track" legislation then pending before the United States Congress. According to its collective bargaining agreement, Roadway must permit IBT officers access to its facilities for the purpose of conducting union business.

There is no evidence that Mr. Carey campaigned at the Roadway facility. Over a period of a week, repeated telephone calls were made to the protester seeking evidence in support of his protest, but the protester failed to respond. The *Rules* require a protester to provide some evidence to support his or her allegations. Mouton, P-497-LU767-SOU (March 3, 1996).

The evidence that has been submitted establishes that Mr. Carey's visit to the Roadway facility in Ohio was for the purpose of conducting the legitimate union business of encouraging members to assist in an effort to defeat legislation opposed by the IBT. In Martin, P-010-IBT-PNJ, (August 17, 1995), aff'd, 95 - Elec. App. - 18 (KC) (October 2, 1995), the Election Officer recognized that union officers and officials have a "right and responsibility to exercise the powers of their office to advise and report to the membership on issues of general concern."

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

Mike Campanella, et al.
November 14, 1997
Page 3

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

Benetta M. Mansfield
Interim Election Officer

BMM:chh

cc: Kenneth Conboy, Election Appeals Master
Judith E. Kuhn, Regional Coordinator