

November 18, 1998

**VIA FACSIMILE AND FIRST CLASS MAIL**

Gerald T. Sheahan  
Teamsters Local Union 115  
2833 Cottman Avenue  
Philadelphia, PA 19149

Dean L. Burrell, Attorney  
Grotta, Glassman & Hoffman, P.A.  
75 Livingston Avenue  
Roseland, NJ 07068

Frank Genovese, Plant Manager  
Rogers Warehouse & Transportation Co.  
400 Delilah Road  
Pleasantville, NJ 08232

Hoffa Slate  
c/o Patrick J. Szymanski, Esq.  
Baptiste & Wilder  
1150 Connecticut Avenue, NW  
Suite 500  
Washington, DC 20036

Arthur Z. Schwartz, Esq.  
Kennedy, Schwartz & Cure  
113 University Place  
New York, NY 10003

Rodgers Warehouse  
6857 Delilah Road  
P.O. Box 233  
Pleasantville, NJ 08232  
ATTN: Plant Manager

James P. Hoffa  
2593 Hounds Chase  
Troy, MI 48098

Bradley T. Raymond, Esq.  
Finkel, Whitefield, Selik,  
Raymond, Ferrara & Feldman  
32300 Northwestern Highway  
Suite 200  
Farmington Hills, MI 48334

George O. Suggs, Esq.  
Wilburn & Suggs  
1015 Locust  
Suite 818  
St. Louis, MO 63101

John P. Morris, Sec.-Treas.  
Teamsters Local Union 115  
2833 Cottman Avenue  
Philadelphia, PA 19149

**Re: Election Office Case No. PR-349-LU115-EOH**

Gentlemen:

Gerald T. Sheahan, a member and vice-president of Local Union 155, 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***”) against the Hoffa Unity Slate (“Hoffa Slate”) and the Jaydor Corporation d/b/a Rogers Warehouse & Transportation Co. (“Rogers”). Mr. Sheahan alleges that Hoffa supporters violated the ***Rules*** by obtaining access to and being

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escorted through the employer's warehouse in Pleasantville, New Jersey, and engaging in campaign activities inside the Rogers facility during employees' work time on October 21, 1998. Mr. Sheahan claims that there is no preexisting right of access to the Rogers' facility for non-employees. As a result, Mr. Sheahan contends that the Hoffa campaign received an improper employer contribution. Rogers neither admits nor denies the allegations but agrees to settle the issue on the terms set forth below.

The protest was investigated by Protest Chief Mary E. Leary.

The investigation disclosed that on October 21, 1998, five Hoffa campaign supporters, all non-employees, posted campaign literature on the bulletin board in the employee lunchroom and distributed campaign literature and Hoffa '98 buttons by placing these materials on the tables where employees eat lunch and keep their personal possessions. As they walked through Rogers' facility, one campaigner spoke to a couple employees encouraging them to vote for Hoffa. The investigation disclosed that the incident took approximately six minutes once the campaigners entered the warehouse facility. While inside the Rogers' facility, the Hoffa campaign supporters were escorted through the facility by Night Warehouse Manager John Brittner.

The **Rules** generally do not give candidates or members the right to campaign on employer premises (other than in the parking lot), unless there is a pre-existing right. Thus, Article VIII, Section 11(d) states:

[N]o restrictions shall be placed upon candidates' or members' preexisting rights to solicit support, distribute leaflets or literature, . . . or engage in similar activities on employer or Union premises. Such facilities and opportunities shall be made available to all candidates and members on a nondiscriminatory basis.

The Election Officer has repeatedly stated that "[i]f an employer chooses to allow campaigning on their premises, it may do so as long as equal access is provided to all candidates pursuant to Article VIII, Section 11(d)."

The Protest Chief discussed the issue of equal access to all candidates pursuant to Article VIII, Section 11(d) with the employer's counsel. Rogers has now agreed to the following:

In order to resolve a protest filed with the IBT Election Officer, Rogers is offering candidates Tom Leedham and John Metz the opportunity to have five campaign supporters walk through the warehouse facility at its 6587 Delilah Road, Pleasantville, NJ facility. It is understood that the walk through shall last under ten minutes during which time the campaign supporters may post literature on the bulletin board in the lunchroom, place campaign

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literature and buttons on the tables in the lunchroom and directly outside the lunchroom where members eat their lunch and keep their personal belongings and that one of the campaigners may briefly stop and talk to a couple of employees who may be on their working time. With respect to employees who are on their working time (as opposed to breaks or lunch periods) the conversations will be brief, and will not substantially disrupt the employer's work. The visits must be scheduled by November 20, 1998 to take place by November 25, 1998. To schedule such access, please contact Joseph Horwath, Manager at (800) 642-9199 at least 24 hours in advance.

If Mr. Leedham and Mr. Metz or their designees, decide to take advantage of this opportunity, once they have made arrangements with Mr. Horwath, they shall confirm the same via facsimile to the Election Officer at (202) 624-3525.

In resolving this protest, neither Rogers nor the Election Officer is creating or sanctioning a "preexisting right" to campaign inside the Rogers facilities for candidates for the duration of the rerun election. This opportunity for the other candidates for general president or their designees to campaign will be limited to this single occasion.

For the foregoing reasons, 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

Copies of the request for hearing must be served on the parties listed above as well as

upon the Election Officer, 444 N. Capitol Street, Suite 445, Washington, DC 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Gerald T. Sheahan  
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Michael G. Cherkasky  
Election Officer

cc: Kenneth Conboy, Election Appeals Master