

**OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

IN RE: ISIDRO VALDIVIA,) Protest Decision 2011 ESD 164
) Issued: March 14, 2011
Protestor.) OES Case No. P-171-022411-FW
_____)

Isidro Valdivia, member of Local Union 396 and candidate for delegate, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2010-2011 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that Waste Management Company in Compton, California, improperly denied him campaign access to its parking lot.

Election Supervisor representative Maureen Geraghty investigated this protest.

Findings of Fact and Analysis

On February 23, 2011, at approximately 3:00 p.m., Valdivia arrived at Waste Management’s Compton yard to campaign among Local Union 396’s members employed there. He signed in at the guard gate, proceeded to the area of the parking lot where IBT members park their vehicles, and spent approximately two and one half hours leafleting members employed there. At approximately 5:45 p.m., an unidentified security guard approached Valdivia and asked him to leave, stating that the directive came from the guard’s supervisor. On February 26, our investigator contacted Waste Management’s Senior Human Resources manager, Michael Dory, who stated that Valdivia and any other members of Local Union 396 were free to campaign in Waste Management’s parking lot at Compton. Our investigator immediately relayed this assurance to Valdivia.

Article VII § 12(e) of the *Rules* grants members and candidates the right to campaign in employer parking lots where members park their vehicles. Valdivia was permitted that access for a substantial period on February 23 before being directed to leave. The employer has provided assurances that the directive to leave was given in error and was not a policy to deny the access required by the *Rules*.

Accordingly, we deem this protest RESOLVED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Supervisor in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
885 Third Avenue, Suite 1000
New York, NY 10022
Fax: (212) 751-4864

Valdivia, 2011 ESD 164
March 14, 2011

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1801 K Street, N.W., Suite 421 L, Washington, D.C. 20006, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
2011 ESD 164

Valdivia, 2011 ESD 164
March 14, 2011

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