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*for the* INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
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RICHARD W. MARK  
*Election Supervisor*

**VIA U.S. Mail**

United Parcel Service, INC.  
Teri P. McClure  
55 Glenlake Pkwy NE  
Atlanta, GA 30328

October 8, 2010

**Re: IBT International Officer Election and Campaign Access to Employer Parking Lots**

Dear Teri P. McClure,

I am the Supervisor of the 2011 IBT International Union Delegate and Officer Election. Chief Judge Loretta A. Preska of the United States District Court for the Southern District of New York appointed me Election Supervisor on November 17, 2009, with the agreement of the United States Government and the International Brotherhood of Teamsters (the "IBT"). I am responsible for ensuring that the IBT's election is conducted fairly, honestly, and openly, and that the members have the opportunity to be informed about the process and the candidates.

This election uses procedures established as a result of the settlement, by Court-ordered Consent Decree, of the civil RICO action *United States v. IBT*, 88 Civ. 4486 (S.D.N.Y.). In three election cycles under the Consent Decree since 1996, the Court-ordered election rules have provided that campaign activity relating to the International Union Delegate and Officer Election can take place in employer parking lots (the "parking lot access rule"), and access was allowed without such a rule in the 1991 election. Experience has shown that the rule can be implemented reasonably to promote the public interests and objectives of the Consent Decree, while respecting the rights and interests of employers and accommodating candidates and members interested in campaigning. We ask for your cooperation in implementing the parking lot access rule during the 2011 election cycle and are ready to address your questions about the rule. Additional background on the rule and its history is set out below.

The Consent Decree changed the procedure for the election of the IBT's international officers and, as part of that process, the United States District Court for the Southern District of New York has approved rules for each IBT international officer election since 1991. On August 23, 2010, the Court approved *Rules for the 2010-2011 IBT International Union Delegate and Officer Election* ("2011 Rules").<sup>1</sup> Like the prior elections since the Consent Decree, the 2011 election is being conducted by an Election Supervisor appointed by the Court and independent of the union.

In every IBT international officer election under the Consent Decree, candidates for IBT convention delegate or for IBT international office have had access to employer parking lots for campaign purposes. Since

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<sup>1</sup> The *2011 Rules* may be viewed and downloaded from the Election Supervisor's website, [www.ibtvote.org](http://www.ibtvote.org).

the 1996 election that access has been secured by a Court-approved rule that provides candidates “may distribute literature and/or otherwise solicit support in connection with such candidacy in any parking lot used by Union members to park their vehicles in connection with their employment.”<sup>2</sup> The *2011 Rules* reiterate this long-standing parking lot access rule at Art. VII, § 12(e).

The parking lot access rule is based on findings by the federal court that in-person campaigning in parking lots is the only practical method of realizing the democratic election reforms mandated by the Consent Decree. *United States v. IBT (Anheuser-Busch)*, 27 F. Supp. 2d 436 (S.D.N.Y. 1998). Access to parking lots where members park their vehicles is thus an important political right which has been secured to all IBT members. An employer’s failure to comply with the rule is subject to enforcement proceedings in the United States District Court for the Southern District of New York. *Anheuser-Busch*, 27 F. Supp. 2d at 439.

The parking lot access rule, as implemented, balances employer interests and rights with the public interest embodied in the Consent Decree. Access is allowed only for the purpose of conducting campaign activity relating to the supervised election. Employers may request reasonable identification from the person seeking access. Work function cannot be obstructed by campaigning. An employer cannot bar an IBT member from conducting campaign activity in a parking lot unless it is show that access is not necessary or appropriate to members’ meaningful exercise of democratic rights.

The IBT 2011 election is underway throughout the United States and Canada. A few IBT Locals are holding delegate elections in the fall of 2010, and the majority of locals will hold their delegate elections in the winter and spring of 2011. The nominating convention will take place in June 2011, and the election schedule calls for the union-wide vote for IBT International Officers to conclude in November 2011. I expect that IBT members will seek to campaign in employer parking lots throughout this time period. I would greatly appreciate it if you would advise your human resource managers of the parking lot access rule so that they can prepare to accommodate IBT members’ requests.

Please contact Office of the Election Supervisor counsel, Maureen Geraghty, if you have questions concerning IBT members’ parking lot access rights at your company. Ms. Geraghty can be reached at 336-714-1199 (w) or by email at [mg@geraghtylawfirm.com](mailto:mg@geraghtylawfirm.com)

Yours truly,



Richard W. Mark  
Election Supervisor

Enclosure

cc: Brian Feldman, Assistant United States Attorney  
Bradley T. Raymond, IBT General Counsel

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<sup>2</sup> See *2006 IBT Election Rules*, Art. VII, §12(e); *2000 IBT Election Rules*, Art. VII, § 11(e); *1996 IBT Election Rules*, Art. § 11(e).