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RICHARD W. MARK  
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## **NOTICE TO EMPLOYERS OF MEMBERS OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS CONCERNING THE ELECTION OF IBT CONVENTION DELEGATES AND INTERNATIONAL OFFICERS**

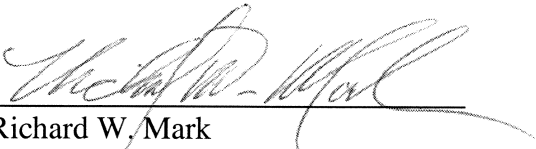
The IBT is conducting its periodic election of International Union Delegates and International Officers. The election is conducted under *Rules*, approved by a court order entered by the United States District Court for the Southern District of New York on August 23, 2010. Elections for convention delegate will occur at IBT local unions through May 2011; the balloting for the International Officer election is scheduled to be completed in November 2011.

Article VII, §12(e) of the *Rules* provides that Teamsters members have the right to distribute campaign literature and solicit support for delegate candidates and International Union Officer candidates in any parking lot used by IBT members to park their vehicles in connection with their employment. The federal court approved the parking lot rule in this and previous, supervised IBT International Officer elections. It found that the opportunity to campaign in parking lots was necessary to have a fair, free and democratic election and to promote the objectives of the court-ordered Consent Decree in *United States v. International Brotherhood of Teamsters*, 88 Civ 4486 (S.D.N.Y.). The federal court has ruled that employers must comply with the parking lot rule.

We ask for your cooperation in complying with the parking lot rule. Be advised that the parking lot rule is very limited in scope. The access right is available only in connection with 2010-2011 campaign for International Union Delegates and International Officers. Employers can request identification of individuals who seek to campaign in a parking lot. The rule does not give access to any part of the premises other than the employee parking lot. An employer that believes it has a substantial reason to deny access may apply to the Election Supervisor for relief from the rule.

The text of the parking lot rule is attached. Please feel free to contact our office or OES Attorney, Maureen Geraghty, at 336-714-1199 or [mg@geraghtylawfirm.com](mailto:mg@geraghtylawfirm.com) if you have any questions about the parking lot rule.

October 8, 2010  
Washington, D.C.

  
Richard W. Mark  
Election Supervisor

*RULES, ART. VII, § 12(E) – PARKING LOT ACCESS*

(e) Subject to the limitations in this Subsection, (i) a candidate for delegate or alternate delegate and any member of the candidate's Local Union may distribute literature and/or otherwise solicit support in connection with such candidacy in any parking lot used by that Local Union's members to park their vehicles in connection with their employment; (ii) each member of a candidate's Local Union has the reciprocal right to receive such literature and/or solicitation of support from such candidate or candidate's advocate; (iii) a candidate for International office and any Union member within the regional area(s) in which said candidate is seeking office 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 in said regional area(s); (iv) each member of the International Union who is employed within the regional area(s) in which said candidate is seeking office has the reciprocal right to receive such literature and/or solicitation of support from such candidate for International office or candidate's advocate.

The foregoing rights are available only in connection with campaigning during the 2010-2011 IBT International Union Delegate and Officer Election conducted pursuant to the Consent Order and only during hours when the parking lot is normally open to employees. The rights guaranteed in this Subsection are not available to an employee on working time, may not be exercised among employees who are on working time and do not extend to campaigning which would materially interfere with the normal business activities of the employer. An employer may require reasonable identification to assure that a person seeking access to an employee parking lot pursuant to this rule is a candidate or other member entitled to such access. Nothing in this Subsection shall entitle any candidate or other Union member to access to any other part of premises owned, leased, operated or used by an employer or to access to a parking lot for purposes or under circumstances other than as set forth herein.

The foregoing rights are presumptively available, notwithstanding any employer rule or policy to the contrary, based upon the Election Supervisor's finding that an absence of such rights would subvert the Consent Order's objectives of ensuring free, honest, fair and informed elections and opening the Union and its membership to democratic processes. Such presumption may be rebutted, however, by demonstrating to the Election Supervisor that access to Union members in an employee parking lot is neither necessary nor appropriate to meaningful exercise of democratic rights in the course of the 2010-2011 election. An employer seeking to deny access to Union members in an employee parking lot may seek relief from the Election Supervisor at any time.