

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

IN RE: LUCIO REYES and)	Protest Decision 2010 ESD 12
JUANLUCIO REYES,)	Issued: August 4, 2010
)	OES Case Nos. P-015-072610-FW &
Protestors.)	P-016-072610-FW
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Lucio Reyes, principal officer of Local Union 601 and candidate for delegate and for International office, 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 Rome Aloise and Sam Rosas “are providing literature and advise [*sic*] against Lucio Reyes and slate.”

Juanlucio Reyes, member and business agent of Local Union 601, filed a separate pre-election protest alleging that Sam Rosas “is intervening with Local 601 elections by assisting the employees of our office using union materials and equipment by means of phone calls, emails and meetings after hours.”

These protests were consolidated for investigation, and Election Supervisor representative Rochelle Goffe investigated them.

Findings of Fact

On July 23, 2010, Juanlucio Reyes saw Sam Rosas in a white pickup truck parked across the street from Local Union 601’s office at approximately 5 p.m., the end of the business day for the local union’s employees. Rosas is principal officer of Local Union 439, the offices of which are less than a mile away. Reyes observed Rosas drive away after Maria Ashley Alvarado and Adrianna Verdin, two employees of the local union, left for the day.

Alvarado and Verdin are among the individuals who requested that Rome Aloise file a protest on their behalf. Aloise is principal officer of Joint Council 7; Local Union 601 is a member local of that joint council. Aloise is also an IBT vice president for the West region and is a candidate for election to that position on the Hoffa slate. The protest Aloise filed and which is pending, OES Case No. P-008-071210-FW, stated that Lucio Reyes has committed a number of *Rules* violations and that Alvarado, Verdin and the other protestors –

– believe that there will be immediate retaliation and are very fearful of the consequences of coming forward with this information.

(original emphasis).

Alvarado is also a candidate for delegate in Local Union 601’s delegate and alternate delegate election. She is a member of a slate that opposes the slate headed by protestor Lucio Reyes.

Aloise reported to our investigator that Alvarado and Verdin expressed fear to him of retaliation. Rosas told our investigator that Aloise asked him to check on the women to insure

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they were safe and were not followed when they left the workplace. Rosas agreed. A few minutes before 5 p.m. on July 23, Rosas arrived in his white pickup and parked within sight of the door of Local Union 601, observed Alvarado and Verdin walk to their cars and drive away, and noted that they were not followed. Rosas stated that he was not on union-paid time during this activity; there is no contrary evidence.

Both Lucio Reyes and Juanlucio Reyes contend that Rosas' presence violates the *Rules*. However, neither cited a provision allegedly violated.

Further, both protestors contend that Aloise and Rosas have provided leaflets to Alvarado and are assisting her in her campaign for delegate. The protestors surmise that Alvarado has received additional campaign assistance during the workday and through use of union telephones and email. The protestors offered only their allegation of such conduct. They presented neither evidence to support their allegation, nor any specific information that would support the allegation inferentially. Aloise and Rosas each denied it. The protestors requested that we conduct searches of the union computers to find proof. Their allegations are speculative, however, and absent some reasonable basis for launching such an inquiry, we decline to do so.

The *Rules* prohibit use of union resources to support a candidate. Article VII, Section 12. However, protests without evidence will be denied. *Joseph*, 2006 ESD 132 (March 31, 2006); *Gegare*, 2010 ESD 10 (July 27, 2010). Moreover, although there is no evidence that it occurred here, a member of one local union may permissibly provide campaign assistance to a member of another, provided neither uses union resources to do so.

Finally, we find nothing to suggest that Rosas' activity on July 23 violated the *Rules*.

Accordingly, we DENY these protests.

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

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
2010 ESD 12

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