

OFFICE OF THE ELECTION ADMINISTRATOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: DAVID SALISBURY,) Protest Decision 2001 EAD 439
) Issued: September 6, 2001
) OEA Case No. PR081711WE
Protestor.)
)

David Salisbury, a member of Local Union 206 and a Leedham slate supporter, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2000-2001 IBT International Union Delegate and Officer Election ("Rules") against Local 962. He alleges that local union officers, agents, and/or staff endorsed the Hoffa slate by displaying Hoffa slate literature and a Hoffa sticker but no Leedham literature on the local union's campaign bulletin board and by placing and/or maintaining Hoffa stickers on the local union mailbox. He also alleges that Local 962 business agent Dan Ratty interfered with his and fellow Local 206 member Gary Marconi's exercise of their right to campaign freely by directing them not to distribute copies of the *Convoy Dispatch* at Local 206 worksites.

Election Administrator Representative Lois Tuttle investigated this protest.

Our investigation revealed that Local 962 staff failed to maintain the local's bulletin board in accordance with the Election Administrator's March 29, 2001 *Advisory On The Use Of Literature Tables Or Bulletin Boards For The Distribution Of Campaign Literature Inside Union Halls* ("Advisory"); that Hoffa stickers had been placed and allowed to remain on the local's mailbox; and that Ratty had told Salisbury and Marconi that the *Rules* did not permit distribution of copies of the *Convoy Dispatch* at IBT worksites.

All parties have agreed to resolution of this matter. Thus, Local 962 has agreed that neither it nor its agents will interfere with the distribution of *Convoy Dispatch* or campaign literature at the local's IBT worksites in accordance with Article VII, Section 11(e) of the *Rules*, and all parties understand that any interference with such conduct will be considered a violation of the *Rules* subject to remedial action. *See Villa*, 2000 EAD 53 (December 1, 2000).

Similarly, Local 962 secretary-treasurer Jerry Stuart has confirmed that the local union's campaign literature bulletin board now contains only those items allowed by the Advisory, namely, the bulletin board sign approved by the Election Administrator's office; the most recent piece of literature received from the Hoffa slate; and the most recent piece of literature received from the Leedham slate. He has confirmed that he and his staff will properly police and maintain the bulletin board to ensure that the local remains in compliance with the Advisory and subsequent communications, and will report any interference with the board immediately to the office of the Election Administrator. He states that he has instructed his staff to remove all Hoffa stickers from the local union mailbox and promises to monitor the mailbox so that they remain off. Finally, Stuart has instructed Ratty and other local union officers, agents, and staff not to

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improperly endorse the Hoffa slate or to interfere with Marconi's, Salisbury's, or other IBT member's rights to distribute *Convoy Dispatch* or campaign literature pursuant to Article VII, Section 11(e) of the *Rules*.

Based on the foregoing, we deem this matter RESOLVED, reserving the right to revisit this matter and order any remedial action necessary if any future *Rules* violations occur.

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 Administrator 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
Suite 1000
885 Third Avenue
New York, New York 10022
Fax: 212-751-4864

Copies of the request for hearing must be served upon all other parties, as well as upon the Election Administrator for the International Brotherhood of Teamsters, 727 15th Street NW, Tenth Floor, Washington, DC 20005 (fax: 202-454-1501), all within the time prescribed above. A copy of the protest must accompany the request for hearing.

William A. Wertheimer, Jr.
William A. Wertheimer, Jr.
Election Administrator

cc: Kenneth Conboy
2001 EAD 439

DISTRIBUTION LIST VIA UPS NEXT DAY AIR:

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