

IN RE:

WAYMON STROUD

01 - Elec. App. – 052(KC)

This matter is an appeal from the Election Administrator’s (the “EA”) decision 2001 EAD 237, issued March 14, 2001. The hearing was requested by Waymon Stroud, Sr., the protestor, delegate candidate and vice president of Teamsters Local Union 728 in Atlanta, GA.

A hearing was held before me on March 22, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. for the Election Administrator’s Office; Mr. Stroud; and Jimi Richards, a member of Local Union 728. An additional submission was received from Mr. Richards on March 22, 2001.

This protest alleged that Mr. Richards posted campaign material on the worksite’s union bulletin board in violation of alleged local union practice that prohibited such a posting. Having witnessed the constant defacing and removal of campaign materials from the general purpose boards, Mr. Richards, a steward at Yellow Freight worksite in Marietta, Georgia, posted campaign literature for all three slates running delegates in the Local Union 728 election inside the glass enclosed union bulletin board. Upon discovering the posting, Jimmy Walker, a Local Union 728 business agent, instructed Robert Mercer, another steward at the same Yellow Freight worksite, to remove the materials. The protestor Mr. Stroud argued that Mr. Richards should not have taken it upon himself to post the material, and that his recourse should have been to file a protest. Mr. Richards claims that as a steward it was his duty to keep members informed on the issues and business of the local, and no where in the Local Union 728 by-laws does it mention any restrictions concerning the use of the union bulletin boards for posting campaign material.

The EA denied the protest, finding that the removal and defacement of the materials “impermissibly interfered with members’ pre-existing rights to post campaign materials” on the union board (See, Page 1, 2001 EAD 237). Citing to Article VII, Section 11(c) of the Rules¹, the EA praised Mr. Richard’s solution as an “immediate and practical remedy for that interference” (Id).

I concur with the EA’s findings, and accordingly, affirm his decision in this matter.

s/Kenneth Conboy
Kenneth Conboy
Election Appeals Master

Dated: March 27, 2001

¹ Article VII, Section 11(d) prohibits the use of union facilities and equipment for campaigning “unless all candidates are provided equal access to such assistance”. It is clear that in this case Mr. Richards was vigilant in making sure the campaign material of all three slates were represented on the union board.