



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624 8778
1 800 828 6496
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Michael H Holland
Election Officer

November 8, 1990

Chicago Office:
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

Graydon E Brewster
28 Amherst Road
Merrimack, N H 03054

David Laughton
President
IBT Local Union 633
265 Maple Street
Manchester, N H 03103

Re: Election Officer Case No. P-007-LU633-ENG

Gentlemen

A pre-election protest was filed pursuant to Article XI, Section 1 of the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990 ("Election Rules") The complainant, Graydon E Brewster, alleges that the Election Rules were violated by Local Union 633 when officers of the Local Union prohibited Brewster and other members from engaging in campaign activity in the parking lot and on the sidewalk adjacent to the Local Union Hall in Manchester, New Hampshire The Election Officer investigated the allegations in the protest and has determined, for the following reasons, that the Election Rules have been violated by Local Union 633

Local Union 633 maintains a Union Hall in Manchester, New Hampshire The Hall is the sight of membership meetings and other union activities. A sidewalk leads up to the entrance of the Hall, and adjacent to the Hall is a parking lot. Within the parking lot is a row of parking spaces reserved for union officers The parking lot is otherwise available for use by members The Election Officer's investigation revealed that the parking lot had been used for Local Union campaign activity in the past This activity has taken the form of parking pickup trucks with campaign banners in the parking lot during election campaigns

The complainant sought to pass out literature in the parking lot and set up a literature table on the sidewalk outside the entrance to the Local Union Hall The table was set up approximately 20 feet from the door of the Hall The members were told by the President of the Local Union that they could not distribute literature in the parking lot of the Local Union Hall or on the sidewalks adjacent to the entrance of the Hall The Election Officer found that the members who attend Local Union meetings

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arrive by car and enter the Union Hall by walking through the parking lot and/or the adjacent sidewalks. The Election Officer also found that the distribution of literature in the parking lot, or from tables leading to the entrance of the Hall, did not create a problem with traffic flow or a safety hazard.

Article VIII, Section 10 (d), provides that "no restriction shall be placed upon candidates' or members' pre-existing rights to solicit support, distribute leaflets or literature, conduct campaign rallies, hold fund raising events or engage in similar activities on employer or Union premises." The distribution of literature is a protected political campaign activity similar to the pre-existing poster campaigning that took place in the Local Union parking lot. Moreover, permitting members access to the parking lot, and the sidewalks leading to the entrance of the Local Union Hall, will afford them a reasonably effective means of access to the membership of the local for campaigning purposes.

The Election Officer finds that Local Union 633 violated the Election Rules when it told the complainant and others to move the table from which they were distributing campaign literature and to stop soliciting signatures and distributing literature in the parking lot of the Local Union Hall. In order to remedy this violation of the *Rules*, the Election Officer orders the following:

1 Local Union 633, its officers, employees and agents, shall immediately cease and desist from denying members reasonable access to the parking lot of, and sidewalks leading to, the Local Union Hall, and from engaging in similar violations of the Election Rules,

2 Within ten (10) days of the receipt of this letter, the President of Local Union 633 shall sign, and caused to be posted on all Local Union 633 bulletin boards, copies of the enclosed notice,

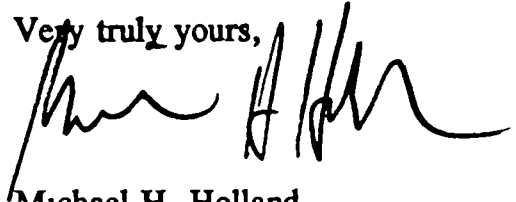
3 Within fifteen (15) days of the receipt of this letter, the President of Local Union 633 shall execute and return to the Election Office an affidavit setting forth, in detail, his compliance with the terms of this order.

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal. Requests for a hearing shall be made in writing, and shall be served on Independent Administrator Frederick B. Lacey at

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LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693 Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N W , Washington, D C 20001, Facsimile (202) 624-8792 A copy of the protest must accompany the request for a hearing

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Holland". The signature is fluid and cursive, with a prominent initial "M" and "H".

Michael H Holland
Election Officer

cc Frederick B Lacey, Independent Administrator, IBT
Elizabeth A Rodgers, Regional Coordinator

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NOTICE TO TEAMSTER MEMBERS
FROM DAVID LAUGHTON, PRESIDENT, IBT LOCAL UNION 633

You have the right to participate in campaign activities on behalf of candidates for delegate and alternate delegate to the 1991 IBT Convention

You have the right to participate in campaign activities on behalf of candidates for International Office in the IBT

No restrictions shall be placed upon candidates' or members' preexisting rights to solicit support, distribute leaflets or literature or to engage in similar activities on union property

You have a right to distribute literature in the Local Union 633 parking lot as this is a protected political campaign activity similar to preexisting poster campaigning in the lot

You have a right to set up tables on the sidewalk leading the Local Union 633 hall as long as those tables do not block the sidewalk or impede access to the hall Tables may not be set up in the union parking lot itself

You have a right to display posters on any vehicle in any unrestricted parking spot Spaces or facilities reserved for Local Union officials may not be used for campaigning because they are not equally available to all members

Local Union 633 will not interfere with the exercise of these rights or any other rights of IBT members under the Consent Decree or the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990

DAVID LAUGHTON
President, IBT Local Union 633

This is an official notice and must remain posted for thirty consecutive days from the first day of posting, and must not be altered, defaced, or covered by any other material

633/ENG
NOV 21 1990

IN RE:	:	
	:	
GRAYDON E. BREWSTER,	:	90 - ELEC. APP. - 11 (SA)
Complainant	:	
	:	
and	:	DECISION OF THE
	:	INDEPENDENT
IBT LOCAL UNION 633,	:	ADMINISTRATOR
Respondent.	:	

This matter arises out of an appeal by IBT Local Union 633 ("Local 633") of a November 8, 1990, decision of the Election Officer in Election Officer Case No. [REDACTED]. A hearing was held before me on November 19, 1990, at which the following persons were heard: John Sullivan, Esq., on behalf of the Election Officer; the Regional Coordinator, Elizabeth Rodgers, Esq.; Gabriel O. Dumont, Jr., Esq., on behalf of Local 633; Local 633 Secretary-Treasurer, David Laughton; and Robert Ross, a member of Local 633, on behalf of the Complainant.

At issue is the right of the members of Local 633 to engage in campaign activities in Local 633's parking lot. In September of 1990, Mr. Laughton directed the Complainant to remove a table that contained campaign literature from the Local 633 parking lot. Mr. Laughton indicated, however, that the Complainant could set up his table on the public sidewalk approximately 150 feet away from

the Union Hall,' or in the parking lot adjacent to the lot used by persons visiting the Union Hall. Mr. Laughton contends that his concern was limited to the physical presence of the table in the parking lot and the obstruction that could result, the parking lot being limited in space. The Election Officer agrees that under the circumstances a table should not be set up in the parking lot. Mr. Laughton claims that he never intended to limit the Complainant's right to engage in campaign activities in the Union parking lot.

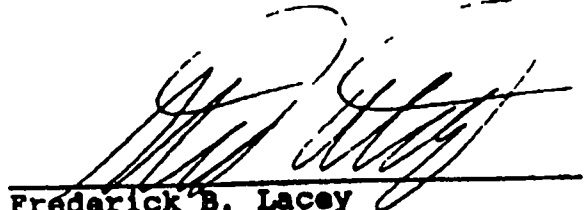
While I understand Mr. Laughton's position, I am satisfied that as a result of Mr. Laughton directing the Complainant to remove his table from the Union parking lot, confusion now exists among the rank and file of Local 633 as to the extent of their right to engage in campaign activity in that area. Thus, pursuant to Article XI, Section 1(b)(7) of the "Election Rules," which empowers the Independent Administrator, to "mak[e] whatever findings and order[] whatever relief is appropriate to resolve [an] appeal," I direct Mr. Laughton to sign and cause to be posted on all Local Union 633 bulletin boards copies of the notice attached hereto within ten (10) days of this decision.

As used herein "Local 633 bulletin boards" means all bulletin boards in all locations (at work sites and on Union property) customarily used by Local 633 to post official union notices.

¹ There is another sidewalk immediately outside the Union Hall which abuts the Union parking lot. This sidewalk is on Union property.

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I further direct Mr. Laughton to return to the Election Officer, within fifteen (15) days of the date of this decision, not later than December 6, 1990, an affidavit setting forth, in detail, all of the steps taken by him to comply with the terms of this order.



Frederick B. Lacey
Independent Administrator
By: Stuart Alderoty, Designee

Dated: November 21, 1990

NOTICE TO TEAMSTER MEMBERS

FROM DAVID LAUGHTON, SECRETARY-TREASURER, IBT LOCAL UNION 633

You have the right to participate in campaign activities on behalf of candidate(s) for delegate and alternate delegate to the 1991 IBT International Convention.

You have the right to participate in campaign activities on behalf of candidate(s) for International Office in the IBT.

No restrictions shall be placed upon candidates' or members' preexisting rights to solicit, distribute leaflets or literature or to engage in similar activities on union property.

You have the right to distribute literature in the Local Union 633 parking lot as this is a protected political campaign activity similar to preexisting poster campaigning in the lot.

You have the right to set up tables on the sidewalk immediately outside the Local Union 633 hall, that is the sidewalk which abuts the Union Hall and which is on Union property, as long as those tables do not block the sidewalk or impede access to the hall. Tables may not be set up in the union parking lot itself.

You have the right to display posters on any vehicle in any unrestricted parking spot. Spaces or facilities reserved for Local Union officials may not be used for campaigning because they are not equally available to all members.

Local Union 633 will not interfere with the exercise of these rights or any other rights of IBT members under the Consent Decree or the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990.

DAVID LAUGHTON
Secretary-Treasurer, IBT Local Union 633

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