



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624 8778
1 800 828 6496
Fax (202) 624 8792

Michael H Holland
Election Officer

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

December 28, 1990

VIA UPS OVERNIGHT

Harold L. Powell
4960 Headleys Mill Road
Pataskala, Ohio 43062

Harold Speakman
President
IBT Local Union 284
555 East Rich Street
Columbus, Ohio 43215

Re: Election Office Case No. P-047-LU284-CLE

Gentlemen:

The above protest was filed pursuant to Article XI, §1 of the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990 ("Rules"). In this protest, Harold Powell, contends that the Local Union sought to remove him as a Union steward because he is campaigning for the position of delegate to the 1991 IBT International Convention.

The investigation shows the following:

Mr. Powell, a union steward, filed an earlier protest P-032-LU284-CLE, which was subsequently withdrawn by him. The Local Union Officers were contacted by the Regional Coordinator about that protest on the morning of November 6, 1990. At around 6:00 pm. on that date Local Union Secretary-Treasurer, Brian Rice, phoned another Teamster member, and asked during the conversation if he was happy with Powell's performance as a shop steward. Edwards replied "yes."

The evidence shows no action by the Local Union officers with respect to a review of Powell's performance as shop steward beyond the phone call. The alternate shop steward informed the Election Officer that he had considered circulating a petition to call for re-election of shop stewards at Powell's facility, but the evidence showed this to be independent activity on his part, and in fact such a petition calling for election has not been circulated.

Harold L. Powell
December 28, 1990
Page 2

Because protecting access to the Election process is a vital concern, the Election Officer sought assurances from the Local Union officers that they would comply with the process and publicize it to the membership. The Election Officer also sought assurances from the Local Union officers that members who avail themselves of the process will not be subject to reprisals.

The Local Union officers have provided such assurances and have agreed to post the attached notice on all Local Union bulletin boards as settlement in this case.

Mr. Powell, the protestor, has declined to enter into the settlement agreement.

~~The Election Officer, however, finds the voluntary settlement~~
in this case to be consistent with the purpose of the Rules. According, the settlement is APPROVED.

If any person is not satisfied with this determination, he may request a hearing before the Administrator within twenty-four (24) hours of his receipt of this letter. Such request shall be made in writing and shall be served on Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, N.J. 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. 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.

Very truly yours,



Michael H. Holland

MHH/MJC/sst

cc: Mr. Frederick B. Lacey
Joyce Goldstein, Regional Coordinator

DEC 13 1990

284/CLE

December 10, 1990

VIA UPS OVERNIGHT

Harold L. Powell
4960 Headleys Mill Road
Pataskala, Ohio 43062

Harold Speakman
President
IBT Local Union 284
555 East Rich Street
Columbus, Ohio 43215

Re: Election Office Case No. P-047-LU284-CLE

Voluntary Settlement

1 Pre-election protests were filed pursuant to the *Rules for the International Union Delegate and Officer Election*, Revised August 1, 1990 ("Election Rules") The parties, wishing to resolve the matters through a voluntary settlement, and the Election Officer, finding that such settlement furthers the policies and purposes of the Election Rules, hereby agree as follows

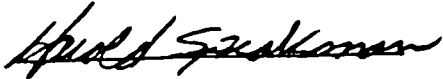
2 The President and Secretary-Treasurer of Local Union 284 agree to inform the membership of the campaign and protest rights of members by posting the attached notice on union bulletin boards.

3 ~~The President and Secretary-Treasurer of Local Union 284 agree~~ that all members of the Union have the right to use the protest procedures set up by the Election Rules without reprisal

4 By executing this agreement, Local 284 does not admit to violating the Election Rules, nor has any finding of a violation been made by the Election Officer

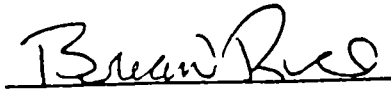
5 Within 14 days of signing this agreement, the Secretary-Treasurer of Local 284 shall file an affidavit with the Election Officer describing the Local Union's compliance with this agreement

December 10, 1990
Voluntary Settlement
Page 2



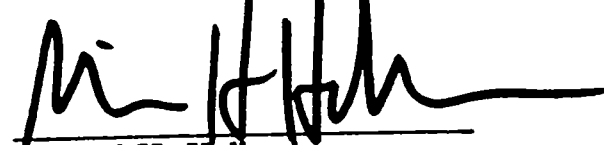
Harold Speakman,
President,
Local Union 284

Dated 12-13-90



Brian Rice,
Secretary-Treasurer,
Local Union 284

Dated 12-13-90



Michael H. Holland
Election Officer

Dated _____

Harold L. Powell

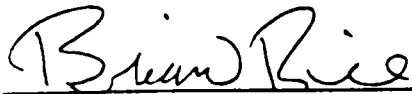
Dated _____

NOTICE TO ALL MEMBERS OF IBT LOCAL UNION 284
FROM THE UNDERSIGNED
OFFICERS AND REPRESENTATIVES OF LOCAL UNION 284

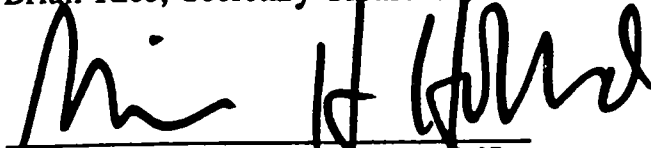
You have the right to participate in campaign activities on behalf of any candidates for delegate or for International Office in the IBT

You have the right to file a protest with Michael H Holland, Election Officer, in the event you feel your rights to participate in campaigns have been abridged

It is a violation of the Election Rules for any Local Union Officer or member to discriminate against any members who may file a protest with the Election Officer



Brian Rice, Secretary-Treasurer, Local 284



Michael H Holland, Election Officer

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

Prepared and approved by Michael H. Holland, Election Officer, IBT

NOTICE TO ALL MEMBERS OF IBT LOCAL UNION 284
FROM THE UNDERSIGNED
OFFICERS AND REPRESENTATIVES OF LOCAL UNION 284

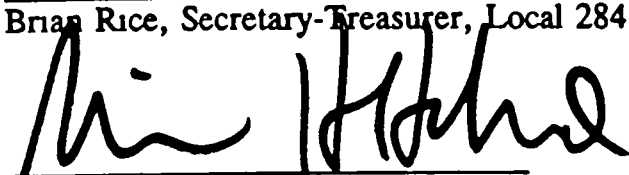
You have the right to participate in campaign activities on behalf of any candidates for delegate or for International Office in the IBT

You have the right to file a protest with Michael H Holland, Election Officer, in the event you feel your rights to participate in campaigns have been abridged

It is a violation of the Election Rules for any Local Union Officer or member to discriminate against any members who may file a protest with the Election Officer



Brian Rice, Secretary-Treasurer, Local 284


Michael H Holland, Election Officer

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

Prepared and approved by Michael H Holland, Election Officer, IBT

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624 8778
1-800-828-6496
Fax (202) 624-8792

Michael H. Holland
Election Officer

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

February 12, 1991

VIA UPS OVERNIGHT

Harold L. Powell
4960 Headleys Mill Road
Pataskala, OH 43062

Harold Speakman
President
IBT Local Union 284
555 East Rich Street
Columbus, OH 43215

Re: Election Office Case No. P-047-LU284-CLE

Gentlemen

The above referenced pre-election protest was decided by the Election Officer on December 28, 1990. In his decision, the Election Officer approved a notice posting as agreed to by the Local Union.

On January 24, 1991, Harold Powell, a member of the Local Union who filed the protest in P-047-LU284-CLE wrote the Election Officer and alleged that the notice was never posted.

Regional Coordinator Joyce Goldstein investigated Mr. Powell's allegation that the Local failed to meet its compliance obligations as set out by the Election Officer and agreed to by the Local. Local Union 284 Secretary-Treasurer Brian Rice instructed the Local's Business Agents to post the notice. At the same time, he instructed them to post the Local Union Plan. The Election Officer investigation revealed that in certain locations the Business Agents posted the notice as part of the Local Union Plan, and in numerous locations the Business Agents failed to post the notice at all. However, Adjunct Coordinator Sue Fauber visited several job sites and found the postings to be as the Local described.

Because the Local has substantially failed to comply with the December 28, 1990 decision issued in the above referenced case, the Election Officer orders the following:

- (1) The Local Union shall copy and mail by first class mail the notice attached to the decision in P-047-LU284-CLE to each member of Local 284.

Harold L. Powell
Page 2

(2) The Local Union shall cause the mailing to be sent within 24 hours following receipt of this decision

(3) The Local Union shall file an affidavit with Regional Coordinator Joyce Goldstein and with the Election Officer detailing the steps taken to comply with 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 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,


Michael H. Holland

MHH/mca

cc Frederick B. Lacey, Independent Administrator
Joyce Goldstein, Regional Coordinator
Jerry L. Riseling, Esq

IN RE.	:	91 - Elec. App. - 77 (SA)
	:	
HAROLD L. POWELL,	:	
Complainant,	:	DECISION OF THE
	:	INDEPENDENT ADMINISTRATOR
and	:	
	:	
HAROLD SPEAKMAN, President	:	
IBT LOCAL UNION NO. 284,	:	
	:	
Respondent.	:	

This matter arises out of an appeal from a February 12, 1991, decision of the Election Officer in Case No. P-047-LU284-CLE. A hearing was conducted before me by way of teleconference on February 21, 1991, at which the following persons were heard: John J. Sullivan, on behalf of the Election Office; Joyce Goldstein, a Regional Coordinator with the Election Officer; Harold Speakman, President of Local 284; Brian Rice, Secretary-Treasurer of Local 284; and the complainant, Harold Powell.

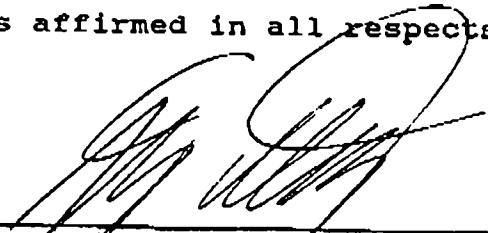
In his original protest, Mr. Powell alleged that certain officers of Local 284 retaliated against him because he sought to be elected as a delegate to the IBT Convention in 1991 and because he filed protests with the Election Officer. A voluntary settlement was subsequently reached with the Election Officer whereby the Local agreed to post a notice on each of its Union bulletin boards at each of its worksites affirming the right of its members to campaign and to file protests. The Election Officer

subsequently found that the notices had not been posted as agreed. The Local alleges the notices were posted.

I affirm the Election Officer's finding that the notices were not posted as agreed. Mr. Rice informed the Election Office that he had personally posted notices at seven worksites. The Election Officer gained access to six of those sites and discovered the notice was posted only at two of the six. Moreover, when I questioned Mr. Rice as to what steps he took to insure that the notices would be posted, it became readily evident that a reasonable procedure for posting had not been established. Rice himself admitted that there was a lot of confusion surrounding the posting.

Accordingly, the Election Officer directed that the Local take further remedial measures to compensate for its noncompliance with the voluntary agreement. The Election Officer directed the Local to mail a copy of the notice that was to have been posted to each member of the Local. I find this remedy to be proper.

The Election Officer's ruling is affirmed in all respects.



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

Dated February 25, 1991.