

OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001  
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Michael H Holland  
Election Officer

December 6, 1990

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

**VIA UPS OVERNIGHT**

Mark Serafinn  
P O Box 105  
Sauneman, IL 61769

Kenneth Bishop  
Secretary-Treasurer  
Local 722  
344 N. 30th Road  
La Salle, IL 61301

Re: Election Office Case No. P-073-LU722-SCE

Gentlemen:

A pre-election protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 (Election Rules). In his protest Mark Serafinn alleges that Local Union 722 has failed to respond to his request for information necessary for him to prepare his campaign mailing

The investigation of this protest shows the following: By letter dated November 6th, 1990, Mr. Serafinn informed Kenneth Bishop, Secretary-Treasurer of the Local Union that he plans to mail his campaign literature to the membership using the union bulk rate and union generated mailing labels. He requests that Mr. Bishop provide him with an account of the costs involved in such a mailing as well as any other requirements the local might have. The Local Union did not respond to this request for information until December 3, 1990, when they were contacted by the Regional Coordinator about Mr. Serafinn's protest.

Article VIII, § 6 (a)(1) of the Election Rules provides in part as follows.

" Each candidate shall be permitted a reasonable opportunity equal to that of any other candidate, to have his/her literature distributed by the Union, at the candidate's expense "

Mr Serafinn's letter to Local 722 requested information that would allow him to exercise his rights under this Article. The information could have been easily furnished to him by the Local Union. The failure to respond within five days delayed the campaign process by almost a month and interfered with Mr Serafinn's rights under Article VIII. Accordingly, the failure to timely respond is a violation of the Rules.

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To remedy the violation, the Election Officer orders the following.

1. Local Union 722 shall cease and desist from refusing to timely respond to requests for information from the membership.

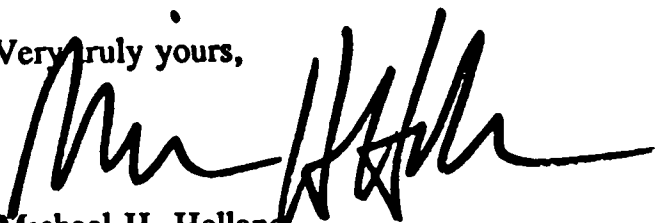
2. The Local Union Secretary-Treasurer shall insure that all future requests from candidates, for Local Union mailing procedures, or access to collective bargaining agreements or any other information necessary to campaign, shall be responded to within five days. If the Local Union cannot respond within five days, they shall provide a letter stating why the information cannot be provided and when it will be provided.

3. The Secretary-Treasurer shall sign the enclosed notice and post it on all bulletin boards in all Local Union halls.

4. Within 14 days of the receipt of this decision, the Secretary-Treasurer shall execute and file an affidavit with the Election Officer describing in detail the Local Unions's compliance 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

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MHH/mjv

cc: Peggy A Hillman, Regional Coordinator  
445 N. Pennsylvania Ave  
Suite 911  
Indianapolis, IN 46204  
Tel 317-635-4059  
Fax: 317-635-4105

## **NOTICE TO ALL MEMBERS OF IBT LOCAL UNION 722**

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

You have the right to participate on behalf of any candidates for IBT International Office

You have the right to request information from the Local Union about mailing procedures for distribution of campaign literature.

You have the right to request of the Local Union distribution of literature by any lawful class or type of mail or postage, including any bulk rate permit utilized by the Local Union

Failure to provide information to candidates who make requests for information necessary to distribute literature is a violation of the *Rules for the IBT International Union Delegate and Officer Election*

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**Kenneth Bishop  
Secretary-Treasurer  
Local Union 722**

***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.***