



OFFICE OF THE ELECTION OFFICER
/ INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H Holland
Election Officer

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January 16 1991

VIA UPS OVERNIGHT

Paul D Witmer
1015 Oakland Avenue
Janesville WI 53545

Ronald E Strzelicki
Secretary Treasurer
IBT Local Union 344
10020 W Greenfield Ave
Milwaukee WI 53214

Re Election Office Case No P-087 LU344-NCE

Gentlemen

A pre-election protest has been filed pursuant to Article XI of the ~~Rules for the~~
IBT International Union Delegate and Officer Election revised August 1 1990
(*Rules*) The Complainant Paul D Witmer states that when the Local Union Election
Plan Summary was posted the Summary was obscured by a cover sheet that made no
reference to the Election Plan

The Local Union does not deny that the Local Union Election Plan Summary was
covered After receiving this protest however the Local notified its stewards that the
Election Plan Summary was to remain posted and unobstructed throughout the election
process The Complainant has confirmed that the cover sheet has been removed (The
cover sheet was an instructional notice to the Local s stewards telling them to post the
Summary) There is no evidence that the obstruction of the Local Union Election Plan
Summary has been a problem at any other locations beside the one where the
Complainant was employed Since the Local acted promptly to correct the subject of the
protest and since the incident was isolated I have determined that it would not effectuate
the purposes of the *Rules* to find a violation herein

In subsequent letters to the Election Officer the Complainant raised several other
issues regarding the conduct of the campaign First the Complainant raises an issue
regarding the placement on the bulletin board of the Local Union Plan Summary arguing
that it was not put at eye level The Complainant provided no evidence however that
the Plan was posted in a place where election notices or other Union information are not
usually posted Nor did the Complainant provide evidence that Local officials

Paul D. Witmer
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intentionally placed the Election Plan Summary in a spot designed to hinder the ability of interested members to learn about the details of the election. Thus, any protest in this regard is DENIED.

Additionally, the Complainant raises issues regarding the campaign literature used by the opposition. The Complainant alleges that the literature was distributed by the UPS in-house mail system, that the literature contains endorsements by the Union Executive Board and by incumbent Business Agents and that the literature contains allusions to family security. Nothing in the *Rules* prohibits Local Union Executive Board or members from making endorsements in delegate elections. Nor do the *Rules* prohibit campaign promises such as contained in this literature.

The Election Office investigated the claim that the UPS in-house mail system was used and distribute campaign literature, and talked to the witnesses named by the Complainant. No evidence to support the claim was discovered. Further, no allegation or evidence was presented that the literature was published or distributed by use of employer or Union resources.

For all of these reasons, the protest is DENIED.

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
Barbara Z. Quindel, Regional Coordinator