

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

November 12, 1991

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

**VIA UPS OVERNIGHT**

Debbie Ragen  
55-A Arlen Drive  
Rohnert Park, CA 94928

Brian Beaver, Secretary-Treasurer  
Jack Spratt, Vice President  
IBT Local Union 624  
1371 Neotomas Avenue  
Santa Rosa, CA 95405

Chuck Mack  
951 Collier Drive  
San Leandro, CA 94577

Laidlaw Transit  
959 Sebastopol Road  
Santa Rosa, CA 95407

**Re: Election Office Case No. P-1031-LU624-CSF**

Gentlemen and Ms Ragen:

This is a protest filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Debbie Ragen, a member of Local 624. She alleges that Local Union 624 Vice President, Jack Spratt, violated the *Rules* by campaigning on Union-paid work time with IBT Vice President candidate Chuck Mack at Laidlaw Transit in Santa Rosa, California on October 28, 1991. The protest was investigated by Regional Coordinator Donald Twohey.

The investigation revealed the following: Mr Ragen is a member of Local 624, employed at the Santa Rosa facility of Laidlaw Transit. Local 624 represents IBT members employed at that facility. Mr Spratt is the Vice President of Local 624 and has assigned responsibilities for Local 624 members employed at Laidlaw, ABF as well as other employers of Local 624 members. Chuck Mack is a candidate for International Vice President in the 1991 International Union officer election and a member of the R V Durham Unity Team. Mr Mack is not a member of Local 624. Mr Mack is, however, the President of Joint Council 7, to which Local 624 belongs.

On October 28, 1991, Mr Spratt was scheduled to be at an ABF facility for Union business. Mr Mack, who was in the jurisdiction of Local 624 for campaign purposes, asked if he could accompany Mr Spratt when he went to the ABF facility. Mr Spratt agreed to transport Mr Mack to the facility. When they arrived at the ABF facility, Mr Spratt attended to his Union business while Mr Mack campaigned. There is no evidence that Mr Spratt engaged in any campaign activities at the ABF terminal.

Debbie Ragen  
November 8, 1991  
Page 2

Messrs. Spratt and Mack left the ABF facility prior to 10:00 a.m. As they were returning, Mr. Spratt stated that he had a stop at Laidlaw. Mr. Spratt states that his purpose in stopping at Laidlaw was to see the manager of the facility to discuss a grievance involving an IBT member employed as a school bus driver who had been charged with child molestation. Mr. Mack asked to accompany him, stating that he, Mr. Mack, had no further activities scheduled until 11:00 a.m.

When they arrived at Laidlaw, Mr. Spratt introduced Mr. Mack to some of the IBT members employed there. Mr. Spratt was unable to see the Laidlaw manager, who was in a meeting when Messrs. Spratt and Mack arrived at the facility. Mr. Spratt was able to meet and did meet with the Laidlaw manager concerning this grievance later that day or early the following day.

Mr. Spratt then reposted two 1991 IBT International Union Officer Election Notices and spoke to Ms. Ragen for about 15-20 minutes about a new bidding procedure to be utilized by IBT members employed by Laidlaw. Other than introducing Mr. Mack to the IBT members employed by Laidlaw, Mr. Spratt engaged in no campaign activities at the Laidlaw facilities. Mr. Spratt accompanied Mr. Mack to no other facilities on that day.

Messrs. Spratt and Mack drove in Mr. Spratt's car. The car is owned by Mr. Spratt but he receives reimbursement from Local 624 for his use of the vehicle for Union business purposes.

Article VIII, § 10(b) of the *Rules* permits Union officers and employees to participate in campaign activities, provided that they do not do so on work time paid for by the Union. That section of the *Rules* provides, however, that campaigning incidental to regular Union business does not violate the *Rules*.

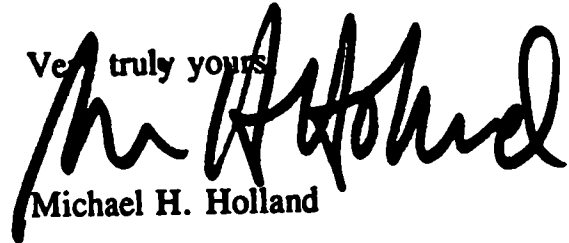
The evidence, as found by the Election Officer in his investigation of this protest, demonstrates that Mr. Spratt was engaged in legitimate Union business during the time he was at both the ABF and Laidlaw facilities. There is no evidence to support Ms. Ragen's contention that Mr. Spratt's visit to Laidlaw was pretextual. Accordingly, the campaigning in which Mr. Spratt engaged--transporting Mr. Mack and/or introducing him to IBT members employed at Laidlaw--was incidental to Mr. Spratt's normal and regular business on behalf of the Union. Since campaigning incidental to the regular Union business is not violative of the *Rules*, 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

Debbie Ragen  
November 8, 1991  
Page 3

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

A handwritten signature in black ink, appearing to read "Michael H. Holland", written over the typed name below.

Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator

Don Twohey, Regional Coordinator

MHH/cb