



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 8, 1991

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

**VIA UPS OVERNIGHT**

Michael Caffrey  
2719 Brown St.  
Brooklyn, NY 11235

Harold Wolchok, Secretary-Treasurer  
Anthony Morales, Shop Steward  
Peerless Importers  
c/o IBT Local Union 868  
126 University Place  
New York, NY 10003

**Re: Election Office Case No. P-1045-LU868-NYC**

Gentlemen:

A protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Michael Caffrey, a member of Local Union 868. Mr. Caffrey contends that he was threatened because of his support for General President candidate Ron Carey and the other members of Mr. Carey's slate. The protest was investigated by Regional Coordinator Amy Gladstein.

Mr. Caffrey is a member of Local Union 868, employed by Peerless Importers and a supporter of General President candidate Ron Carey and the other members of Mr. Carey's slate. There are approximately 200 IBT members employed by Peerless Importers. In the shape-up room of the facility, where members report at the start of their shifts, there are two walls devoted to campaign postings. One wall is used by Mr. Caffrey for posting campaign literature on behalf of the Ron Carey Slate.

On or about October 31, 1991, Mr. Caffrey noted that campaign material he had posted on the wall had been removed. He spoke to his shop steward, Anthony Morales, telling him that the campaign material would be replaced and asking him to prevent the material from being removed again. Mr. Morales, who supports the Shea-Ligurotis Action Team, concurs that the conversation occurred but cannot remember the exact date.

Subsequently, on November 4, 1991, Mr. Caffrey received an envelope from his foreman which contained a copy of a newspaper article entitled "Too Dumb to Die!." The first line of the article reads, "IF YOU want to live longer, just act stupid!" (emphasis in original). The article then goes on to describe the results of a medical study which suggests that intelligence is inversely related to life expectancy.

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The newspaper article was delivered in an envelope commonly utilized by employees of Peerless--both managerial and bargaining unit employees--to deliver messages and other intra-office communications. Mr. Caffrey's supervisor, Tom Santora, discovered the envelope addressed to Mr. Caffrey on the windowsill in the foreman's office. Mr. Santora and two other supervisory employees of Peerless share an office located to the side of the loading platform where IBT members work. The office door is unlocked and Peerless employees, including IBT members, enter it at will. Neither Mr. Santora nor the supervisors who share his office saw the person who placed the envelope in the office.

Mr. Caffrey was unable to identify the person who delivered the envelope to the foreman's office. He has no evidence to suggest the identity of such individual. He does not contend, and the Election Officer investigation confirms, that Mr. Santora--while the agent for delivering the envelope with the clipping--was not the originator of the communication. The Election Officer in his investigation of this protest was unable to determine the identity of the individual who initiated the communication to Mr. Caffrey.

Article VIII, § 10(a) of the *Rules* permits all IBT members to participate in the 1991 International Union election, including the right to openly support any candidate or slate of candidates and to aid in the campaign or campaign for any candidate or slate of candidates. Threats, intimidation or harassment of any IBT member for his/her exercise of these rights is specifically prohibited by the *Rules*.

The Election Officer does not permit or condone any interference with the right of each IBT member to participate, or refrain from participation, in the 1991 International Union officer election. The Election Officer will not hesitate to impose the most severe sanctions against IBT members, officers, business agents and stewards or employers of IBT members or any other persons who threaten, intimidate or harass any IBT member for his/her exercise of the rights guaranteed under Article VIII, § 10(a) of the *Rules*.

In this case, the material received by Mr. Caffrey was clearly harassing if not threatening. Mr. Caffrey is an active participant in the 1991 International Union officer election. Other than such participation, no basis exists for him to have received the newspaper clipping. However, the Election Officer in his investigation was unable to identify the individual who originated the transmission to Mr. Caffrey and accordingly, cannot impose sanctions against such individual.

However, to ensure that all Local 868 members, and particularly those employed at Peerless Importers, are aware of their rights under Article 10(d) of the *Rules*, and cognizant that threatening, harassing or intimidating any other IBT member for his/her exercise of those rights is violative of the *Rules* and may result in the imposition of the

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most severe sanctions against the individual participating in such threatening, intimidating, harassing activities, the Election Officer will direct that Local 868 duplicate and post the attached notice on all Union bulletin boards at all worksites where Local 868 members are employed and on all bulletin boards at the Union office. Further, the Election Officer will require Local 868 to duplicate and mail, by first-class mail, a copy of the notice to all Local 868 members employed at Peerless Importers. Within five days of the date of this decision, the notice shall be posted on all Union bulletin boards as directed above. Within the same five-day period, the notice shall be mailed by first-class mail to all Local 868 members employed at Peerless Importers. Within two days thereafter, Local 868 shall file an affidavit with the Election Officer demonstrating that the posting and mailing has been accomplished.

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

cc: **Frederick B. Lacey, Independent Administrator**

**Amy Gladstein, Regional Coordinator**

MHH/cb

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**NOTICE TO TEAMSTER MEMBERS  
FROM MICHAEL H. HOLLAND, ELECTION OFFICER, IBT**

You have the right to participate in campaign activities on behalf of candidates for International office in the IBT. You have the right to openly support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions.

It is a violation of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990, for you to be threatened, intimidated or harassed because of your campaign activities. It is a violation of the *Rules* for any other member, officer, business agent or steward, your employer or any other person to threaten, intimidate or harass you because of your campaign activities.

The Election Officer will not permit or condone any threats, intimidation or harassment of any IBT member for his/her participation in the 1991 International Union officer election. The Election Officer will not hesitate to impose the most severe sanctions against any person engaging in such threatening, intimidating or harassing activities.

Any protest you have regarding your rights to engage in campaign activities and any complaints you may have regarding threats, intimidation or harassment of you because of your campaign activities should be filed with Michael H. Holland, Election Officer, at the above address.

**MICHAEL H. HOLLAND**  
Election Officer, IBT

***This is an official notice and must remain posted until December 10, 1991 and must not be altered, defaced, or covered with any other material.***