



OFFICE OF THE ELECTION OFFICER
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Michael H. Holland
Election Officer

November 12, 1991

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VIA UPS OVERNIGHT

Frank L. Booth
736 Wright
LaSalle, IL 61301

Gerald F. Reilly
President
Teamsters Local 722
344 N. 30th Road
LaSalle, IL 61301

Jack Jacobs
Recording Secretary
Teamsters Local 722
344 N. 30th Road
LaSalle, IL 61301

Gary J. Sullivan
c/o IBT Local Union 916
2701 North Dirksen Parkway
Springfield, IL 62708

Consolidated Freightways
Attn. John T. McGrath, Dispatch Mgr.
P.O. Box 481
Peru, IL 61354

Re: Election Office Case No. P-1050-LU722-SCE

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"). The protester, Frank Booth, alleges that the recording secretary of Local 722, Jack Jacobs, campaigned on Union-paid work time--utilizing an automobile owned by the Union--with Gary Sullivan, a candidate for International Union Vice President on the Shea-Ligurotis Action Team. This campaign activity occurred at the Consolidated Freightways terminal in Peru, Illinois on November 5, 1991. The protest was investigated by Regional Coordinator Peggy A. Hillman.

The investigation revealed the following. Mr. Jacobs took a vacation day on November 5, 1991 and drove Mr. Sullivan to Consolidated Freightways. They drove in Mr. Sullivan's car. Mr. Jacobs called the terminal manager prior to their visit and received permission to bring Mr. Sullivan to the lunch room and to the dock area of the Peru facility. Messrs. Jacobs and Sullivan campaigned in these two areas of the facility for less than one hour.

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These facts do not support a violation of the *Rules*. While no Local Union officer may campaign on Union-paid work time, campaigning during paid time other than work time, such as paid vacation time, does not violate the *Rules*. *Rules*, Article VIII, § 10(b). The car utilized for campaigning purposes was Mr. Sullivan's personal vehicle; neither Messrs. Jacobs or Sullivan used a Union vehicle to travel to the Consolidated Freight Peru facility.

Messrs. Jacobs and Sullivan were permitted by Consolidated Freight to engage in campaign activities in both the lunch room and the dock area of the Peru facility. Obviously, Consolidated Freight is obliged to provide all other International Union officer candidates the same opportunity. See, e.g., *In Re: Faygo*, Election Office Case No. P-894-LU337-MGN, affirmed 91-Elec. App.-188. However, there is no allegation or evidence uncovered during the Election Officer's investigation indicating that any other candidate has sought access to either the dock area or the lunch room of the Peru facility for campaigning. Nor is there any evidence that if any International Union officer candidate made a prior request to Consolidated for access to these areas of the Peru facility for campaigning purposes that such requests would be denied.

Accordingly, for 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/mjv

cc: Frederick B. Lacey, Independent Administrator

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Peggy A. Hillman, Regional Coordinator

Arthur Hackworth, General Counsel
Consolidated Freightways, Inc.
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