



OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001

Michael H. Holland  
Election Officer

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November 20, 1991

**VIA UPS OVERNIGHT**

Gerald Moerler  
13104 Glen Ct. #40  
Chino Hills, CA 91709

Carl Lindeman  
Secretary-Treasurer  
IBT Local Union 396  
3435 Wilshire Blvd.  
Suite 2320  
Los Angeles, CA 90010

United Parcel Service  
1100 Baldwin Park Blvd.  
Baldwin Park, CA 91706

**Re: Election Office Case No. P-1057-LU63-CLA**

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 Gerald Moerler, a member of Local Union 63 and a supporter of the Ron Carey Partnership Slate. Mr. Moerler alleges that on November 6, 1991, he was informed by a shop steward for Local 396 employed by United Parcel Service ("UPS") at its Baldwin Park, California facility<sup>1</sup> that Local 396 held a special stewards meeting on November 7, 1991 to provide its stewards with campaign literature for them to distribute. Mr. Moerler further alleges that the stewards were paid their regular wages while attending the meeting.

This protest was investigated by Regional Coordinator Geraldine Leshin. Carl Lindeman, Secretary-Treasurer and principal officer of Local 396, advised Ms. Leshin that there was no scheduled stewards meeting for November 7, 1991, and that no meeting was held on that date. Counsel for UPS advised the Regional Coordinator that UPS at its Baldwin Park, California facility does not pay stewards for attendance at stewards meetings. UPS records do not indicate that Local 396 stewards employed by

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<sup>1</sup> Mr. Moerler first claimed that the stewards meeting was for stewards employed at the UPS facility in San Gabriel, California. When investigation demonstrated that the steward whose name Mr. Moerler provided was not employed at San Gabriel, Mr. Moerler concluded that the meeting must have been for Baldwin Park stewards.

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UPS at its Baldwin Park facility were granted Union business leave on the date in question.

Mr. Moerler has no direct knowledge of any of the events described in his protest. He provided the Regional Coordinator with the name of a Local 396 steward, whom he claimed had knowledge of the facts or allegations of the protest. As noted in footnote 1, Mr. Moerler first stated that the steward was employed by UPS at its San Gabriel, California facility; after Ms. Leshin determined that he was not so employed, Mr. Moerler suggested that he must be employed at the Baldwin Park facility.

Mr. Moerler was unable to supply the Regional Coordinator with either the address or phone number of the steward nor his social security number. Without a social security number, Ms. Leshin was unable to obtain the steward's address or phone number from the membership records maintained by the Election Officer or from UPS. Mr. Moerler is not publically disclosing the name of the steward and, thus, the Election Officer in accordance with his policy of protecting the identity of witnesses has not contacted the Local Union for the steward's address and phone number. Ms. Leshin, despite diligent and best efforts, has been unable to obtain the steward's address or phone number from public sources. The steward has never contacted the Regional Coordinator or the Election Officer.

There has been no evidence produced to support the allegations contained in the protest. The protest is DENIED. See *Rules*, Article XI, §1 (c).

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

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

**Geraldine L. Leshin, Regional Coordinator**

**Martin Wald, Esq.**  
**Schnader, Harrison, Segal & Lewis**  
**Suite 3600**  
**1600 Market Street**  
**Philadelphia, PA 19103**

**Ron Carey**  
**c/o Richard Gilberg, Esquire**

**R. V. Durham**  
**c/o Hugh J. Beins, Esquire**

**Walter Shea**  
**c/o Robert Baptiste, Esquire**