



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**

Mark E. Franks  
5851 Reddman Rd.  
Charlotte, NC 28212-3624

Conrad D. Sides  
President  
IBT Local Union 71  
5000 N. Tryon St.  
Charlotte, NC 28256

United Parcel Service  
1600 Cottonwood St.  
Charlotte, NC 28206

**Re: Election Office Case No. P-1089-LU71-MID**

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Mark Franks, a member of Local Union 71. Mr. Franks contends that on the evenings of Tuesday, November 12, and Wednesday, November 13, security officers employed by United Parcel Service ("*UPS*") at its Charlotte, North Carolina terminal violated the *Rules* when they attempted to prevent him from distributing IBT International officer election campaign material on UPS property.

Mr. Franks is an employee of UPS, employed at its Charlotte, North Carolina terminal. On November 12, 1991 while he was on non-work time, Mr. Franks -- in the company of Ron Carey, candidate for IBT General President, and Rich Blaylock, a Carey campaign aide -- was distributing campaign literature at the Charlotte UPS terminal. Mr. Franks stood on UPS property, between the gate to the facility and the guard shack by which employees have to pass before starting work. The guard, employed by UPS through Pinkerton Guard Service, advised Mr. Franks that he should not be in that location distributing literature. Mr. Franks replied that he was entitled to distribute literature at that location. The guard did not ask Mr. Franks to leave and Mr. Franks continued to distribute literature at that location for approximately forty more minutes.

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On the following day, November 13, 1991, Mr. Franks, on non-work time, again entered UPS property at its Charlotte, North Carolina Terminal at approximately 9:30 p.m. in order to distribute campaign materials. On this occasion, he stood in an area between the guard shack and the employee entrance, i.e., where UPS employees pass after having gone past the guard station. The same guard advised him that he should not be in that location distributing literature. Mr. Franks told the guard that he was entitled to be there; he remained at that location distributing campaign literature for approximately an additional hour.

On November 15, 1991, Mr. Franks attended a meeting with Mr. Bullock, the Pinkerton guard supervisor, his UPS supervisor Mr. Richards, and two Local Union stewards to discuss campaign literature distribution. Mr. Bullock stated that he had been directed by the UPS Loss Prevention Manager to instruct the guards to prevent campaigning at or near the guard shack. Mr. Richards told Mr. Bullock that Mr. Parks was incorrect, Mr. Richards told all those present at the meeting -- including Mr. Franks -- that Mr. Franks was entitled to distribute literature at the locations where he stationed himself on November 12 and November 13, 1991.

Article VIII, § 10(a) of the *Rules* provides that employees may campaign during non-work times in non-work areas. UPS consistent with the *Rules*, allows employees to do so. UPS through its management personnel has notified Mr. Franks that any instruction he had previously received to the contrary was incorrect. UPS also notified the guards employed by Pinkerton that their prior statements to Mr. Frank were incorrect and that Mr. Franks was entitled to distribute literature in the areas where he had distributed it on November 12 and 13, 1991.

Mr. Franks was never prevented from campaigning at the locations of his choice; UPS, as it told Mr. Franks, has no intention of preventing him from doing so in the future. The Election Officer determines that the *Rules* have not been violated. Accordingly, 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,

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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/ca

cc: Frederick B. Lacey, Independent Administrator

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