



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Election Officer

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November 27, 1991

VIA UPS OVERNIGHT

Archie J. Cook
4508 Balmoral Drive
Richton Park, IL 60471

Daniel C. Ligurotis
Lou Durano, Union Steward
IBT Local Union 705
300 South Ashland Ave.
Chicago, IL 60607

Leroy Ellis
18807 Oakwood Avenue
Country Club Hills, IL 60478

United Parcel Service
Attn: Labor Relations Dept.
8200 S. Dobson
Chicago, IL 60619

United Parcel Service
Attn: Denny Barts, Division Manager
6700 W. 73rd Street
Bedford Park, IL 60638

Walter Shea
c/o Robert Baptiste, Esquire
Baptiste & Wilder
1919 Pennsylvania Avenue, N.W.
Suite 505
Washington, D.C. 20006

Re: Election Office Case No. P-1091-LU705-CHI

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 Archie M. Cook on behalf of Leroy Ellis, a candidate for Central Conference Vice President on the Ron Carey Slate. The protest alleges that United Parcel Service ("UPS") imposed improper restrictions on campaign activities at two Chicago locations: (1) UPS prevented non-employees from access to the employee parking lot at the UPS facility located at 8200 South Dobson Street in Chicago; and (2) UPS allowed candidates on the Shea-Ligurotis Action Team slate and their supporters to campaign in work areas at the UPS facility located in Bedford Park, Illinois, denying similar access to others. Subsequent to the filing of the protest, by a telephone communication, Mr. Ellis alleged that Messrs. Shea and Ligurotis were also allowed to campaign in work areas at the UPS facility located on Jefferson Street in Chicago. This protest was investigated by Adjunct Regional Coordinator Deborah Schaaf.

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I. Access to the Dobson Facility Parking Lot

UPS policy is to deny access to its employee parking lot at the Dobson facility to non-employees for campaigning purposes.¹ The question posed is whether IBT members not employed at this UPS facility have reasonable means to campaign among UPS employees without entering the parking lot. Resolution of this protest requires some analysis of the geographical setting of the Dobson facility.

The UPS facility is located on Dobson and 81st Streets in Chicago. All entrances are located on Dobson Street. Dobson Street is residential. Opposite the UPS facility, on the other side of Dobson Street, are small residential apartment buildings. There are no stop lights or stop signs on Dobson Street on the block where the UPS facility is located. There is little commercial traffic on the street. Most of the traffic on Dobson Street is related to the UPS facility.

The UPS facility has two separate parking lots. One, on the south side of the building, is for customer parking. The other, on the north side of the building, is for employee parking. The employee parking lot is surrounded by a chain-link fence with barbed wire on top. After parking their vehicles, employees enter the UPS building through an opening in the fence, without returning to the Dobson Street sidewalk. There is one entrance to the employee parking lot. There are two signs on either side of the entrance which state "Employees Parking Only." There is no security or guard shack at that entrance. There is approximately 15 feet between the parking lot fence and Dobson Street. Outside the fence is a sidewalk and a grassy area adjacent to the curb. The sidewalk and grassy area are public property, not owned by UPS.

IBT members seeking to engage in campaign activities may stand on the sidewalk and grassy area next to the entrance to the employee parking lot, a 15-foot expanse on either side of the entrance. IBT members, not employed at the Dobson facility, may also stand along Dobson Street. There is relatively little traffic on Dobson Street, no stop signs or stop lights, and most of the traffic on the north side of the UPS building is likely to be UPS employees.

Given this geographical configuration, the Election Officer concludes that IBT members not employed by UPS have reasonable means to campaign among UPS employees without entering the employee parking lot. Requiring such IBT members to

¹ The parking lot is fenced and access to it is restricted; accordingly, it is not an open, unrestricted parking lot to which UPS by its January, 1991 policy permits campaigning access by IBT members not employed by it. See, e.g., Election Office Case No. P-1026-LU407-CLE, affirmed 91-Elec.App.-225.

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stand on the sidewalk and along the curb near the entrance to the parking lot, in this situation, affords them sufficient access to campaign. See Election Office Case No. P-165-LU299-MGN, affirmed 91-Elec.App.-43 (ten feet of public area sufficient). For these reasons, the Election Officer denies this aspect of the protest.

II. Campaigning Inside the Bedford Park Facility

On November 14, 1991, Walter Shea and Daniel Ligurotis, both candidates on the Shea-Ligurotis Action Team slate, accompanied by Mr. Lou Durano, a Local Union 705 Steward, and several others, arrived at UPS's Bedford Park, Illinois facility. Apparently, they arrived unannounced. They walked past the guard shack and entered the building; they went to the offices of UPS management employees where they encountered Mr. Chet Smolinski, an assistant to the person in charge of labor relations at the facility. Mr. Smolinski introduced them to several management employees and then directed them back outside to the guard shack where they engaged in campaign activities. Other candidates have also engaged in campaign activities at the guard shack.

Various employees were interviewed who observed Mr. Shea, Mr. Ligurotis, and the others. There is no evidence that they were permitted to campaign among UPS bargaining unit employees inside the UPS facility. They were observed shaking employees' hands at the guard shack. They were observed entering and exiting the building. There is no evidence to support a conclusion that they were campaigning in work areas inside the building.

For these reasons, the Election Officer concludes that there was no violation of the *Rules* in connection with campaign activities at the Bedford Park facility² and, accordingly, denies this aspect of the protest.

III. Campaigning Inside the Jefferson Street Facility

On November 14, 1991, International Union officer candidates Walter Shea and Daniel Ligurotis, in the company of Local 705 Business Agent Frank Snow, were present at the UPS Jefferson Street facility. Messrs. Shea, Ligurotis and Snow were present in the facility that day to attend an official meeting with Joe Zito and Jim Sasek, UPS District Manager and UPS Labor Manger, respectively, at the Jefferson Street facility. Mr. Sasek met the three Union officials at the entranceway to the facility and escorted them to the office where the meeting took place.

² There is no evidence to support the contention that some of the campaigners were on Union-paid or UPS-paid work time. All of the witnesses interviewed agreed the Steward Lou Durano was off duty at the time.

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After the meeting, Messrs. Shea, Ligurotis and Snow had lunch in the facility cafeteria with Mr. Sasek. No campaigning was conducted in the cafeteria by any of the Union officials. At the conclusion of the meeting, Messrs. Shea, Ligurotis and Snow were escorted from the facility by Mr. Sasek. They exited through the dispatch area, the area closest to the parking lot where Mr. Snow had parked his vehicle. No campaigning took place while Messrs. Shea, Ligurotis and Snow were leaving the facility. While it was alleged that the candidates and Mr. Snow were wearing campaign buttons, they all deny doing so; Mr. Sasek cannot recall specifically if they wore any buttons.

Prior to attending the meeting on November 14, 1991, Messrs. Shea, Ligurotis and Snow were all told by UPS that no campaigning would be allowed inside the UPS Jefferson Street facility. Messrs. Shea, Ligurotis and Snow were escorted at all times while they were in the facility by UPS management to ensure that no campaigning occurred.

Based on the foregoing, the Election Officer concludes that Messrs. Shea, Ligurotis and Snow were present in the interior of the UPS facility located on Jefferson Street in Chicago on November 14, 1991 for the purpose of official Union business and did not campaign while inside the facility. Further, the fact that the candidates or Mr. Snow may have been wearing campaign buttons does not constitute campaigning in violation of the *Rules*. All IBT members, including Union officers, business agents and other employees, may wear campaign buttons, including wearing such buttons on Union or company paid work time. *Rules*, Article VIII, § 10(b) and (d); see also Memorandum Re: Wearing of Campaign Buttons, September 23, 1991. There is no evidence that Messrs. Shea, Ligurotis or Snow wore buttons during their official meeting with UPS. This aspect of the protest is accordingly denied.

For the reasons set forth above, this protest is DENIED in its entirety.

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)

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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

Julie E. Hamos, Regional Coordinator

Martin Wald, Esq.
Schnader, Harrison, Segal & Lewis
Suite 3600
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Ron Carey
c/o Richard Gilberg, Esq.

R. V. Durham
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