



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

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

January 18, 1991

VIA UPS OVERNIGHT

Mark Franks
5851-11 Reddman Rd.
Charlotte, NC 28212

Carolina Uniform Rental
ARATEX
2321 Wilkinson Blvd.
Charlotte, NC 28208

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

Re: Election Office Case No. P-267-LU71-MID

Gentlemen:

A pre-election has been filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). The Complainant, Mark Franks, contends that the Notice of the Nomination Meetings was not posted at a Local Union worksite. He states that the back of the locker room door is usually used for Union business at the Carolina Uniform Rental facility and that the nomination results were not posted at that place.

The delegate nominations in Local 71 took place on December 14, 1990. Under the *Rules*, the results of those meetings are to be posted within 7 days upon all Union bulletin boards of the Local. There are at least 50 worksites in Local 71 and, presumably, virtually all have bulletin boards.

As indicated above, the instant case concerns Carolina Uniform Rental, where Union notices are posted on the back of the locker room door. The lack of a posting in this place, technically not a "bulletin board" still violates the *Rules*. When contacted, however, the Local agreed to make a posting at this location. Ordinarily, such voluntary action would mean that the purpose of the *Rules* had been served and the protest would be denied.

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Further investigation, however, revealed that the posting of nomination results was missing at many worksites during this time period. Specifically, Mr. Brad Colesworthy, a delegate candidate for the Rank and File Teamsters for Reform Slate (of whom Complainant is also a part) reposted at the following sites where the posting of nomination results was missing:

<u>Date</u>	<u>Site</u>
1/8/91	Dallis-Mavis, Mt. Holly, NC
1/8/91	Billings Freight, Charlotte, NC
1/8/91	Grief Bros., Charlotte, NC
1/9/91	Terminal Trucking, Concord, NC
1/9/91	Cardinal Trucking, Concord, NC
1/11/91	General Foods, Highway 49, Charlotte, NC
1/11/91	Inmont Chemicals, Westinghouse Blvd., Charlotte, NC
1/11/91	National Linen, Dalton Ave., Charlotte, NC
1/11/91	A.G Boone, Freedom Drive, Charlotte, NC

Every time a missing document has been reported to the Local, the Local has acted to remedy the situation. Also, it appears that the Local attempted to timely post the results of nominations. Finally, since the actual delegate election in Local 71 will be by mail ballot, it is unlikely that the lack of posting of the nomination results for short periods of time will have any effect on the election.

This is not a case where there is evidence that Local 71 deliberately refused to post or removed the postings describing the results of the nominations. If such evidence existed, or if such develops, the Election Officer will take appropriate action. Based upon the foregoing, however, the finding of a violation would not effectuate the purposes of the *Rules*.

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/mca

cc Frederick B. Lacey, Independent Administrator
Grant Crandall, Regional Coordinator