

OFFICE OF THE ELECTION OFFICER  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

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Michael H. Holland  
Election Officer

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

February 15, 1991

VIA UPS OVERNIGHT

Rank and File for  
Ron Carey Slate  
c/o Ronnie L. Greene  
7201 Mimosa Grove Place  
Jacksonville, FL 32210

Frank E. Pendelton  
Secretary-Treasurer  
IBT Local Union 512  
1210 Lane Avenue North  
Jacksonville, FL 32205

Rank and File for  
Ron Carey Slate  
c/o Thomas G. Sweat  
9915 Timber Lake Drive  
Jacksonville, FL 32257

Re: Election Office Case No. P-474-LU512-SEC

Gentlemen

This protest was filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") Complainant, Ronnie L. Greene, is a candidate for delegate to the 1991 IBT International Convention from Local Union 512. In a handwritten letter received by IBT Local Union 512 on January 30, 1991 and addressed to Frank E. Pendelton, Secretary-Treasurer of the Local, complainant requested the right to inspect and make note of all collective bargaining agreements of Local 512, and also a list of all employers that are signatories to any collective bargaining agreements covering any members of the Local. On February 5, 1991, Mr. Pendelton sent the letter in response to Mr. Greene, stating that the information would be available provided that Greene gave a minimum of three days notice in writing prior to the day that he was going to come in and do the aforementioned inspection. Greene protests that in waiting five days to respond and then requiring three days notice, Pendelton has violated Article VIII, Section 1 of the *Rules*

In pertinent part, Article VIII, Section 1 of the *Rules* provides that for persons so authorized a request can be made to the Secretary-Treasurer of the Local or the principal Executive Officer in writing seeking to inspect the above-referenced documents. Further, the *Rules* provide that such inspection shall be allowed within five days of making the request. Here, Pendelton, at the end of the five days, subsequent to

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receiving the request to inspect, in effect, added a three additional waiting day. By so doing, the *Rules* were violated. See Election Officer Case No. P-13-LU135-SCE, affirmed 90 - Elec. App. - 7 (holding that delay in providing access to collective bargaining contracts violated the *Rules* and requiring the Local to make the contracts available for inspection within twenty-four hours of notice that inspection was sought.)

Thus this protest is **GRANTED** Local 512 and Frank E. Pendelton shall make available for inspection its collective bargaining contracts within twenty-four hours after receiving a request from Mr. Greene or any other candidate for delegate or alternate delegate

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/ads

cc Frederick B Lacey, Independent Administrator  
Donald H Williams, Regional Coordinator

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February 21, 1991

VIA UPS OVERNIGHT

John F MacClennan  
Kattman, Eshelman & MacClennan, P A.  
1920 San Marco Boulevard  
Jacksonville, Florida 32207

Re: Election Officer Case No. P-474-LU512-SEC

Dear Mr MacClennan.

I have received and reviewed your letter of February 20, 1991 with respect to the above entitled case and the decision I issued in that matter on February 15, 1991 I see no basis for withdrawing the decision in that case.

The *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") provide in Article VIII, Section 1(a) and (c) that requests to inspect or make notes from collective bargaining contracts or obtain access to the work-site lists, are to be honored by the Local Union within five days of the request In this case the request was received by Local 512 on January 30, 1991. No response to that request was made until February 5, 1991, the end of the five-day period during which such request was to be honored In that response, no access was granted, but instead the members requesting such access were told to provide advance notice of three days as a prerequisite for gaining access

Thus, as of that point in time, and even assuming simultaneous receipt by the requesting members of the February 5, 1991 letter, eight days would have elapsed between the date the request for access was received by the Local and the earliest date that access would be provided When the requesting members sought access on February 8, 1991, eight days after their original request, they were denied such access and told to provide a further letter to the Local seeking access, which letter had to be received at least three days before the date access would be provided The actions of Local 512 clearly prevented access within five days as required by the *Rules*

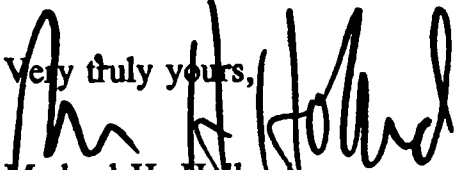
Further, the protest was not rendered moot by the fact that Messrs. Greene and Sweat have now had access, however belatedly, to the collective bargaining agreements and work-site lists Mr. Greene and Mr. Sweat are not the only nominated candidates for delegate or alternate delegate from Local Union 512 All such candidates have the right to access. The twenty-four hour advance notice provision set forth in my decision

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of February 15, 1991 is more than reasonable advance notice to the Local Union and is consistent with decisions I have reached in other cases.

For all the foregoing reasons, I decline to either modify my prior decision or to rule that the protest is moot.

Very truly yours,

  
Michael H Holland  
Election Officer, IBT

MHH/ads

cc Frederick B Lacey, Independent Administrator  
Donald H Williams, Regional Coordinator  
Frank E Pendelton  
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