



OFFICE OF THE ELECTION OFFICER
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February 21, 1991

VIA UPS OVERNIGHT

Chet Hejduk
11680 Libby Road
Maple Heights, OH 44137

Joe Pierani
Secretary-Treasurer
Teamsters Local 407
3150 Chester Avenue
Cleveland, OH 44144

Re: Election Office Case No. P-495-LU407-CLE

Gentlemen

A pre-election 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*") In his protest, the complainant Chet Hejduk, alleges that Local Union 407 violated the *Rules* by failing to post the results of nominations for delegate to the 1991 IBT International Convention

The Election Officer has conducted an investigation which discloses the following Local Union 407 held a nomination meeting on Sunday, January 20, 1991 On January 22, 1991, the notice of the nomination results was sent out for posting on bulletin boards at all worksites The notice included the names and addresses of all companies represented by the Local, which numbered 115 sites, indicating that it was being sent to all 115 sites Mr Hejduk's protest was filed on February 13, 1991 and alleges that there was no posting in "several places" and specifically identifies four locations

After receiving notice of Mr Hejduk's protest, the Local Union immediately took the action of issuing a written notice to all officers and business agents asking them to check their companies and make sure that the delegate nomination results were posted by the stewards In addition, Joe Pierani, Secretary-Treasurer of the Local Union questioned business agents with respect to whether postings were carried out at the four specific locations identified in the protest He advised the Election Officer that he was assured by the business agents that the notices had in fact been posted at these locations in response to the initial directive He states that if the notices are not currently posted, they were apparently removed, but he does not know who removed the notices The fact the protest comes almost three weeks after the date of original posting lends credence to the possibility that posted notices may have been removed The Local Union has asked for verification from its stewards as to the posting of the nomination results at

Chet Hejduk
Page 2

each work location and has agreed to make available necessary staff to post notices at the four sites identified in the protest as well as at any other sites which are not currently posted with notices

Article II, Section IV of the *Rules* requires the Local Union Secretary-Treasurers to post the list of candidates who have been nominated for delegate and alternate delegate, no later than seven days after the last nomination meeting. This notice is to remain posted throughout the election period.

The Election Officer has previously interpreted this *Rule* as requiring the Local Union not only to post the notice, but to ensure that the notice remains posted throughout the election period. See Election Office Case No P-089-LU445-NYC (January 2, 1991). The Election Officer finds that the Local Union has made a good faith effort to ensure that the notice of nomination results has been posted in a timely manner and will remain posted throughout the election period. Since learning of the problems with the posting of the notice raised by the complainant, the Local Union has taken steps to ensure that notices were reposted at any locations from where they are not currently posted. Complainant is advised to provide specific notices in writing to the Local Union's Secretary-Treasurer, Mr Pierani, as to any additional locations as to which he has knowledge of their being no notices posted.

In light of the foregoing, the Election Officer concludes that it would not further the purposes of the *Rules* to find a violation in this case.

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
Joyce Goldstein, Regional Coordinator