



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

February 21, 1991

VIA UPS OVERNIGHT

James Collins
2001 Rhode Island Avenue
Washington, D C 20018

Nathaniel Smith, Sr
116 Michigan Avenue, N E , I22
Washington, D C 20017

Roosevelt C Murray
President
Teamsters Local 730
2001 Rhode Island Avenue, N E
Washington, D C 20018

Re: Election Office Case No. P-517-LU730-MID

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 this protest, complainant James Collins alleges that Nathaniel Smith, Sr. violated the *Rules* by using the company's fax machine in order to transmit an election protest arising under the *Rules*

The Election Officer conducted an investigation and concluded that the protest does not allege any violation of the *Rules* This conclusion is in accord with previous rulings of the Election Officer holding that the *Rules* do not prohibit utilization of employer or Union contributions in connection with filing or resolving protests

In Election Office Case No P-167-LU783-SCE, issued January 4, 1991, the Election Officer ruled as follows

While the rules do prohibit campaign contributions by Union and employer, they do not prohibit employer or Union contributions in support of resolving protests, clarifying the *Rules*, or otherwise furthering the fundamental goal of fair, honest, and open elections *Rules*, Preamble, and Article 1 The protest procedure is integral to that goal In fact, the Election Officer frequently relies on documents for information generated by the Local and/or employer personnel to determine the eligibility of candidates or to

James Collins
Page 2

otherwise resolve protests. The Election Officer does require that such services in furtherance of protests be available to all on an equal basis (emphasis in original)

There is no allegation that the company in this case has discriminated in allowing its fax machine to be utilized with respect to filing protests. Accordingly the protest must be **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, 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
Grant Crandall, Regional Coordinator