



OFFICE OF THE ELECTION OFFICER  
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March 12, 1991

**VIA UPS OVERNIGHT**

Leroy Ellis  
18807 Oakwood Avenue  
Country Club Hills, Illinois 60478

Roadway Express Co  
Attn Michael F Lamphere  
2000 Lincoln Highway  
East Chicago Heights, Illinois 60411

Daniel Liguoroti  
Secretary-Treasurer  
Teamsters Local 705  
300 South Ashland Avenue  
Chicago, Illinois 60607

**Re: Election Office Case No. P-566-LU705-CHI**

Gentlemen

A pre-election protest has been timely 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, Leroy Ellis a member of Local 705 and a nominated candidate for delegate from Local 705, alleges that the *Rules* have been violated because he has been denied campaign access to the general purpose and Local Union bulletin boards at the Roadway Express facility in Chicago, Heights, Illinois

The investigation reveals the following There are four types of bulletin boards located at this particular Roadway facility There are company bulletin boards, general purpose bulletin boards, Local Union 705 bulletin boards, and Local Union 710 bulletin boards

The employer, Roadway Express, has agreed, consistent with the Election Officer's position, to permit IBT members to post campaign materials on all general purpose bulletin boards Thus this aspect of the protest is RESOLVED

The Union bulletin boards for both Local Union 710 and 705 have historically been open bulletin boards The Election Officer's investigation reveals that in the past few weeks the bulletin boards have been locked and covered with glass The

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investigation also shows that campaign literature for William Joyce, a member of and delegate candidate from Local 710, has been posted on the Local Union 710 bulletin boards. Thus ostensibly official Union bulletin boards at this Roadway facility have been used for postings other than official Union notices and specifically used for the posting of campaign material.

The *Rules* provide that neither the employer nor the Union can change or limit bulletin board usage. *Rules*, Article VIII, Section 10(d). In an "Advisory Regarding Political Rights", the Election Officer has interpreted the *Rules* to require that if a bulletin board on the employer's premises has been used to post materials other than, or in addition to, official Union or employer notices, IBT members have a right to use the bulletin board for campaign postings, subject to the regulations previously applied to "general purpose" postings, such as length of time the material may remain posted, the dimensions of the posting, and the like. Helton v. N L R. B., 656 F 2d 883 (D C Cir 1981), ABF Freight System v N L R. B., 673 F 2d 229 (8th Cir 1982)

The Election Officer concludes that Local Union 705 has violated the *Rules* by prohibiting Mr. Ellis from posting campaign material on the Local 705 bulletin board located at the Roadway Express facility in Chicago Heights, Illinois. Campaign material has been previously posted on official Union bulletin boards at this facility. The recent enclosure and locking of the Local 705 bulletin boards provides further evidence suggesting an attempt by Local Union 705 to prevent posting of campaign materials on its bulletin boards.

In accordance with the foregoing, the protest here is GRANTED. Local Union 705 is ordered to instruct its stewards and all other Local 705 officers or business agents having keys to the Local 705 bulletin board at the Chicago Heights Roadway Express facility to post campaign materials on the Local 705 bulletin board at that facility at the request of any Local Union 705 member.<sup>1</sup> Local Union 705 shall file an affidavit with the Election Officer within four days of its receipt of this decision delineating the steps it has taken to comply.

If any person is not satisfied with this determination, he may request a hearing before the Administrator within twenty-four (24) hours of his receipt of this letter. Such request shall be made in writing and shall be served on Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, N J 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. The parties are reminded

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<sup>1</sup>Roadway Express has notified the Election Officer that it will not interfere with the posting of campaign material by Local Union 705 on the Local's bulletin board at the Chicago Heights facility.