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Election Officer

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March 18, 1991

VIA UPS OVERNIGHT

John F. Youngerman
2033 Willow Trail
St Charles, Missouri 63303

Ron F. Gamache
Secretary-Treasurer
c/o the Gamache Team Slate
Teamsters Local 688
300 South Grand
St Louis, Missouri 63103

Re. Election Office Case No. P-662-LU688-MOI

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, John F. Youngerman alleges that Henry Berger has posted campaign material on restricted company and Union bulletin boards located at the United Parcel Service ("UPS") facility in Earth City, Missouri

The protest was investigated by Regional Coordinator Michael D. Gordon. The investigation discloses the following: Henry Berger is chief shop steward at UPS in Earth City, Missouri and a candidate for alternate delegate on the Ron Gamache Slate

There are four bulletin boards located at the facility. Each board is under glass and locked. Berger, a chief steward, has a key. The bulletin boards are only used for official postings, that is, postings of official notices printed on either company or Union letterhead. The evidence shows that UPS management strictly enforces the posting policy described above.

Sometime between 11:00 p.m. and 3:00 a.m. on March 11, 1991, Berger placed a piece of Gamache campaign literature on the Union bulletin board located in the Chesterfield package division center. The literature that was posted is also being distributed as part of the Gamache campaign. About 200 members of Local 688 work at the Chesterfield facility during this night shift. Youngerman estimates that the campaign posting may have been seen by about 100 of these members. Local 688 members employed at this facility and politically allied with Gamache opponents reported the posting to managerial officials who immediately removed the posting. Thus, the

John F Youngerman
Page 2

campaign material, according to Youngerman was removed by 6 30 a m

At about 7 00 p m on March 12, Glenn Abrams observed Berger with a stapler, reposting the Gamache material Abrams told Berger that the postings were not allowed According to Abrams, Berger replied that "they told me I could " Abrams states that he then asked, "You mean you talked to the Election Officer and he said you could do it?" to which Berger replied, "Yes " Berger left the campaign posting under the locked glass Abrams reported the posting to managerial officials who said that the posting was not proper and would be removed

About 7 45 p m , on March 12, 1991, two UPS supervisors approached Leonard Vogler, a shop steward, and told him that another piece of literature had been posted on the Union bulletin board They asked Vogler to act as steward while they went to Berger to tell him it was not proper to post the document

The *Rules* permit postings on general purpose bulletin boards and company and Union bulletin boards that have been used for postings in addition to or other than official company or Union postings *Rules*, Article VIII, Section 10(d)

The evidence in this case, however, does not show that the bulletin board has been used for other than official postings Further, Berger, as shop steward for eighteen years and a UPS employee for twenty-two years knew that campaign postings were not permitted on the bulletin boards, but used his position as steward, to access the board for campaign postings for his slate Similar access was not available to his opponents

The *Rules* have been violated by Berger To remedy the violation, the Local has agreed to duplicate the attached notice on Local 688 letterhead and Berger has agreed to sign and post the attached notice on all Union bulletin boards at the UPS Chesterfield facility

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

John F Youngerman
Page 3

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
Michael D Gordon, Regional Coordinator

NOTICE CONCERNING DELEGATE ELECTION

On March 11 and 12, 1991, I posted certain campaign literature for the Ron Gamache Slate on UPS bulletin boards

MY ACTION VIOLATED THE RULES FOR UNION POSTINGS AT UPS, AND, IN ADDITION, VIOLATED THE ELECTION RULES GOVERNING THE DELEGATE ELECTION ISSUED BY ELECTION OFFICER MICHAEL H HOLLAND AND APPROVED BY THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

I made this posting without permission or authorization from anyone. For the remainder of the period for electing delegates to the 1991 International Convention and/or for electing International Officers, I will not post any campaign material on UPS bulletin boards for any candidate, unless all UPS employees have equal access and rights to post campaign literature for any candidates of their choice.

Henry "Hank" Berger, Chief Steward