



OFFICE OF THE ELECTION OFFICER  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
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Washington, DC 20001

Michael H. Holland  
Election Officer

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June 5, 1991

**VIA UPS OVERNIGHT**

Gregory Van Dress  
Route 1  
Beach City, OH 44608

Russell Albright  
Secretary-Treasurer  
IBT Local 92  
1127 Ninth St., SW  
Canton, OH 44706

UPS  
4850 Navarre Rd  
Canton, OH 44706

**Re Election Office Case No. P-691-LU92-CLE**

Gentlemen

A protest was filed pursuant to Article XI, §1 of the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990 ("*Rules*") by Gregory Van Dress. Mr. Van Dress is a member of Local 92 in Columbus, Ohio and was an unsuccessful candidate in Local 92's delegate election. In his protest, Mr. Van Dress alleges that his employer, United Parcel Service (UPS), harassed and threatened him because of his support for Ron Carey's candidacy for IBT International President. Specifically, Mr. Van Dress alleges that company representatives changed his shift starting time from 8:30 a.m. to 9:00 a.m. for the sole purpose of harassing him and preventing him from communicating with other employees about Mr. Carey's campaign as well as his own campaign for delegate.<sup>1</sup>

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<sup>1</sup>The claims raised by Mr. Van Dress are obviously not moot, notwithstanding the fact that Local 92's delegate election was held on January 23, 1991, since the protest concerns the rights of IBT members to exercise political rights under Article VIII §10 of the *Rules*. The rights of IBT members to participate in political activities and to actively support candidates exists for the purposes of the *Rules* through the December 1991 election for International Officers.

An investigation was conducted by Michael Malone, Election Office Adjunct staff person. The investigation disclosed the following facts:

On February 18, 1991 supervisory personnel at UPS changed Mr. Van Dress's starting time from 8:30 a.m. to 9:00 a.m. Election Officer representative Mr. Malone interviewed Bob Fornhoff, a UPS manager at the UPS facility, pursuant to his investigation in the case. In the interview, Mr. Fornhoff maintained that UPS changed Mr. Van Dress's starting time because his productivity was low and they wanted to alert him to the fact that the company was dissatisfied with his job performance. Mr. Fornhoff also stated that after Mr. Van Dress's schedule was changed, the company assigned a supervisor to him for the purpose of monitoring his productivity. On March 13, 1991, Marsha Murphy, a UPS supervisor, sent a letter to Mr. Gus Nickolas, President of Teamsters Local 92, in which the company stated that, "Greg's performance when he is unsupervised is not consistent with his performance when he is supervised. This letter shall serve as a formal warning should Greg fail to correct this serious problem immediately, you will leave me no alternative than to take more disciplinary action, up to and including discharge."

Mr. Van Dress was interviewed by Mr. Malone in reference to this protest and during the course of that interview he steadfastly maintained that the company's allegations with respect to his low productivity have no basis in fact. Instead Mr. Van Dress stated that management was simply attempting to build a case against him based on false charges and that the company wanted to discharge him based on his support for Ron Carey's candidacy for IBT International President. In support of his allegation, Mr. Van Dress claims that two other IBT members employed by UPS who were also active in Mr. Carey's campaign also had their starting times changed by the company during the same week that his starting time was changed. The two other individuals named by Mr. Van Dress were George Long, a UPS employee at the Canton, Ohio facility and William Hunter, a UPS employee at the Massillon, Ohio facility.

Mr. Malone interviewed George Long, who has been employed by UPS for approximately 27 years. Mr. Long confirmed that his schedule had also been changed during the time period in question. The company informed him that they were changing his schedule because he was, "the worst of the worst", in terms of productivity. Mr. Long further stated that he was not very active politically and that the company had never referred to any campaigning issues when they informed him that his productivity was low. Mr. Long disagreed with Mr. Van Dress's claims and stated that he did not think the company's action was motivated by the company's desire to harass him for his political activities.

Mr. Malone also interviewed William Hunter, a member working at the Massillon facility. Mr. Hunter stated that when his schedule was changed he asked the company representative why his schedule was changed. Mr. Hunter states that the company informed him that he "was the least best with respect to his production." Hunter was also told that UPS supervisors were going to monitor him closely to determine why it

took him so long to complete his route Mr Hunter stated that although he never heard management refer to any of his or Mr Van Dress' campaign activities, he would not be surprised if UPS took the action with respect to him and Mr Van Dress in an attempt to censor their political activities

Mr Fornhoff, the UPS representative, denied Mr Van Dress' allegation that the company's action was intended to discriminate against Mr Van Dress Instead Mr Fornhoff stated that UPS personnel had been observing the three employees and had discovered that Mr Van Dress's, Mr Hunter's, and Mr Long's productivity were the lowest among the employees working at the three facilities Mr Fornhoff said that based on the data obtained through the observation, the company made the decision to change the three members' starting times as an example to other employees and as a warning that low productivity performance would not be tolerated by the company

Mr Malone requested that UPS submit copies of the results of the observation to demonstrate that its decisions with respect to the three individuals were based on data acquired as a result of the productivity observation UPS has refused to make such reports available to the Election Officer, notwithstanding the Election Officer's assurance that such information would not be released to any third party including the Union or the protestor, Mr Van Dress

It is undisputed that once Local 92 learned of the company's actions, it moved immediately to have the three employees reinstated to their normal starting times All three employees have been reinstated to their normal starting times and all three report that the Union's representation of them in this matter was extremely diligent and effective

The company's arguments and explanation with respect to its action concerning Messrs Van Dress, Long and Hunter cannot be substantiated since UPS has refused to submit any documentation concerning the low productivity of the three employees At the same time, there is also insufficient evidence to establish that the company's action with respect to Mr Van Dress was aimed at interfering with his political rights under the *Rules* Accordingly, the protest is **DENIED**.

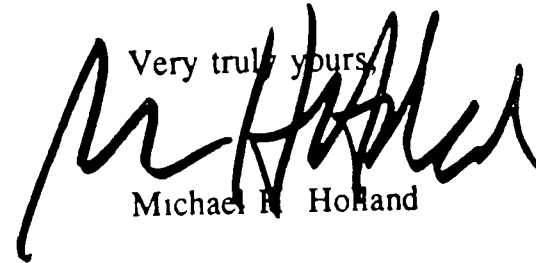
However, to insure that all UPS employees working at the three facilities are advised of their rights to engage in political activities within the meaning of Article VIII, §10 of the *Rules*, the local shall post the attached on all Local Union bulletin boards at the Alliance, Canton and Massillon, Ohio UPS facilities The notice must remain posted for a period of thirty days and must not be removed by any individual prior to that time

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

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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,

A handwritten signature in black ink, appearing to read "Michael R. Holland". The signature is fluid and cursive, with a large initial "M" and "H".

Michael R. Holland

MHH/mjv

cc Frederick B Lacey, Independent Administrator  
Joyce Goldstein, Regional Coordinator

# **NOTICE TO ALL UPS EMPLOYEES**

## **Freedom to Exercise Political Rights**

All Local Union 92 members have the right to participate in campaign activities in connection with the IBT International Union delegate and officer election. This includes the right to run for office, to openly support or oppose any candidate, to aid or campaign on behalf of any candidate, and to make personal campaign contributions.

All Local Union 92 members also have the right to participate in the IBT International Officer campaigns. Local Union 92 members have the right to openly support or oppose any candidates for International Office. This also includes the right to run for International Office, to aid or campaign on behalf of any candidate or slate of candidates, and to personally contribute to a candidate's campaign.

Included in the right to participate in campaign activities is the right to talk to fellow members, to hand out literature, pass petitions, and the like in non-work areas within UPS facilities during non-work time. UPS cannot prevent such campaign activities. Neither may UPS retaliate against IBT members, discharge, discipline or take any other action adversely affecting the members hours, wages or working conditions, because of the member's participation in campaign activities in connection with the IBT International Union delegate and International officer election.

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**MICHAEL H HOLLAND**  
Election Officer, IBT

**This notice must remain posted for thirty (30) days.**