

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H Holland
Election Officer

(202) 624-8778
1-800-828-6496
Fax (202) 624-8792

April 4, 1991

VIA UPS OVERNIGHT

James E Tol
788 Bungalow Rd , SW
Wyoming, MI 49509

Ken DeVries
Secretary-Treasurer
IBT Local Union 406
3315 Eastern Ave , SE
Grand Rapids, MI 49508

Re: Election Office Case No. P-718-LU406-MGN

Gentlemen

A pre-election protest was filed in accordance with the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") The protest was filed by James Tol, who is a member of Local 406¹ In his protest, Mr. Tol alleges that an unidentified person removed Ron Carey Slate campaign literature from the bulletin board in the driver's room at the ABF terminal in Grand Rapids, Michigan in violation of Article VIII, § 10 of the *Rules*

The investigation conducted by the Election Office Regional Coordinator Jim De Haan disclosed the following facts. On March 26, 1991, an unidentified individual parked in the parking lot of the ABF terminal in Grand Rapids, Michigan, entered the terminal facility and dropped off campaign literature for the Team 406 Slate and removed literature supporting the Local 406 Teamsters for Ron Carey Slate from the bulletin board in the Driver's Room. Mr. John Armbruster, ABF Operations Manager, stated that he observed an unidentified man remove literature from the bulletin board and leave other materials in the driver's room Mr Armbruster states that he did not know which literature had been removed nor did he know the content of the literature which had been placed in the driver's room The protestor and company and Union representatives agree that the bulletin board was a general purpose bulletin board and that campaign literature has been posted on the bulletin board throughout the delegate and alternate delegate election campaign

¹Local 406's delegate election is being rerun pursuant to the Election Officer's decision in Post-10-LU406-MGN, which was affirmed by the Independent Administrator (91-Elec App -85) March 5, 1991. The ballots will be counted on April 13, 1991

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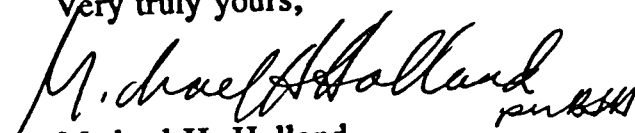
The investigation did not reveal the identity of the person who removed the literature. There was also no evidence that the unidentified person was a member or supporter of the "Team 406 Slate" or had been instructed by any members of that slate to remove the campaign literature. Accordingly, there is insufficient evidence to support a finding that the *Rules* have been violated. Therefore, the protest is DENIED.

However, the Election Officer views such conduct as described above with disfavor. Article VIII, § 10 of the *Rules* clearly provides that no restrictions shall be placed upon candidates' or members' pre-existing rights to use employer or Union bulletin boards for campaign publicity. The *Rules* also guarantee that all "Union members retain the right to participate in campaign activities, including the right to run for office, to openly support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions.

The conduct described above undermines the political rights guaranteed under Article VIII, § 10 of the *Rules*. Therefore, to insure that all members are notified of and afforded their rights pursuant to the *Rules*, the Election Officer orders that the notice attached hereto shall be posted by the Local Union on all Union bulletin boards at the ABF facility within 48 hours of the Local's receipt of this decision.

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/mca

cc Frederick B. Lacey, Independent Administrator
James De Haan, Regional Coordinator

NOTICE TO TEAMSTER MEMBERS

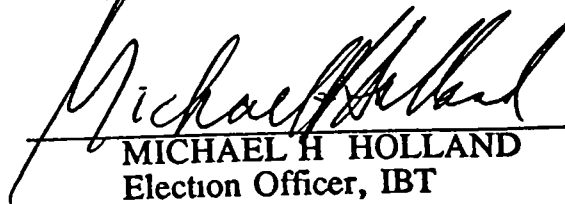
You have the right to participate in campaign activities on behalf of candidates for delegate and alternate delegate to the 1991 IBT International Convention

You have the right to participate in campaign activities of candidates for international office in the IBT

You have the right to post campaign material on general purpose bulletin boards, that is, all bulletin boards that have been used for purposes other than or in addition to the posting of official Union and company notices.

It is a violation of the Election Rules for any company official, Union officer, business agent, steward, or member to remove campaign postings from such bulletin boards

Protest regarding Election Rules violations are to be filed with the Election Officer. Copies of the Election Rules regarding campaigning and other election activities may be obtained from the Election Officer by calling his toll-free telephone number, 800-828-6496


MICHAEL H. HOLLAND
Election Officer, IBT

This is an official notice and must remain posted for thirty consecutive days from the date of posting, and must not be altered, defaced, or covered by any other material