

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
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April 23, 1991

VIA UPS OVERNIGHT AND FACSIMILE

William S. Genoese
Secretary-Treasurer
IBT Local 732
Airline and Aerospace Employees
15 East 26th Street, Suite 1508
New York, NY 10010

Re: Election Office Case No. P-737-LU732-NYC

Dear Mr. Genoese:

A very serious matter has come to the attention of the Election Officer concerning the conduct of Local Union 732's delegate election requiring your immediate attention. Election Office Regional Coordinator Amy Gladstein was informed by a member of the Local Union that the member had allegedly observed a shop steward, Mr. Dave Homick, soliciting and/or marking the ballots of two members, Ms. Melanie Menta and Mr. Thomas Chura, Jr. Such an allegation, if established, would be viewed as of an extremely serious nature by the Election Officer. Thus, the Election Officer, pursuant to his authority under the *Rules*, e.g., Article XI, § 2, determined to investigate and issue, if appropriate, remedial orders.

The investigation was conducted by Amy Gladstein and William Kane, both Regional Coordinators. Ms. Menta, when interviewed, indicated that she had shown her ballot to steward Dave Homick because she desired to have technical help in view of the fact that she found the ballot difficult to understand. Ms. Menta further stated that she personally marked her ballot, in private, and mailed it. Similarly, Mr. Chura stated that, while he brought his ballot to his worksite, he marked his ballot himself.

The *Rules* specifically prohibit any Union member, officer, business agent or steward from participating in the marking of any other member's ballot, directing the way such member should vote, or requesting the ballot of another member. While there is no direct evidence that Mr. Homick solicited the ballots of Ms. Menta or Mr. Chura, the matter is nonetheless troublesome. To help insure that all members and officers, business agents and stewards of Local 732 are aware that the *Rules* strictly prohibit the

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solicitation and/or the marking of another member's ballot, the Election Officer hereby directs the Local Union to take the following action:

1. Local Union 732 shall, before the close of business on Wednesday, April 24, 1991, transmit to each of its shop stewards and business agents, by UPS Next Day Air or hand delivery, the notice attached hereto as Exhibit A. The Union shall further instruct each of its shop stewards and business agents to fully comply with the instructions contained in this notice and to post, prior to the close of business on Thursday, April 24, 1991, a copy of such notice on all Local Union bulletin boards.

2. Local Union 732 shall submit to the Election Officer, within 48 hours of the receipt of this determination, an affidavit setting forth in detail its compliance with the terms of this order.

3. Any appeal of this decision shall not stay the order. See Article XI, § 1(a)(8) of the *Rules*.

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/mjv

cc: Frederick B. Lacey, Independent Administrator
Amy Gladstein, Regional Coordinator
Dave Homick, Shop Steward, IBT Local 732


NOTICE TO TEAMSTER MEMBERS
FROM IBT LOCAL UNION 732 REGARDING DELEGATE ELECTION

The election of delegates to the 1991 International Union convention is now underway. You have recently received your secret ballot for that election by mail.

Each member of Local Union 732 has the right to cast a secret ballot for the election of delegates to the 1991 IBT Convention. No one has the right to ask you for your ballot. Do not give your ballot to anyone.

If you have given your ballot to anyone, you should immediately contact Election Office Regional Coordinator Amy Gladstein at 212-334-8134 (collect).

You have the right to file a protest with Election Officer Michael H. Holland alleging a violation of these rights or any other right set forth in the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*").



MICHAEL H. HOLLAND
Election Officer

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