

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

Michael H. Holland
Election Officer

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July 25, 1991

VIA UPS OVERNIGHT

Hugh R. Thompson
4925 Loughborough
St Louis, MO 63109

Bobby E. Robertson
President
IBT Local Union 600
9041 Riverview Dr.
St. Louis, MO 63137

Re: Election Office Case No. P-813-LU600-MOI

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Hugh Thompson, a member of Local Union 600. In his protest, Mr. Thompson contends that the Local wrongfully prohibited him from posting at the Local Union hall a document entitled "Teamster Local 600 Members Convention Update."

In his protest, Mr. Thompson contends that the material in question is not campaign material and therefore the Local wrongfully refused to permit it to be posted. The Election Officer would note that, if the material were not campaign material, the propriety of the Local's actions would be outside the jurisdiction of the Election Officer; the Election Officer's jurisdiction extends only to the nomination and election - and attendant campaigns - for International Union Convention delegates and International Union officers. However, the Election Officer agrees with the position taken by Local 600 that the material in question is clearly campaign literature related to the International Union delegate and/or officer election. Thus, the protest falls within the jurisdiction of the Election Officer.

Local Union 600 states that it refused to permit the material to be posted in accordance with its consistent practice of not posting at the Local Union hall any material relating to internal Union political issues. The Local states that its consistent practice is in accordance with and the result of directives issued by the United States Department of Labor.

Local 600 has, however, now agreed, consistent with the Election Officer's position, to permit the posting of campaign materials related to the 1991 IBT International Union officer election on the wall or atrium partition in the entry area of


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the Local Union hall, an area where other postings - including postings of material other than official Union notices - has historically been permitted. The Election Officer would note that permitting campaign literature to be so posted violates neither the Labor Management Reporting and Disclosure Act nor the regulations promulgated by the Department of Labor thereunder, provided that all candidates and their supporters are permitted to so post, and provided further that Union resources are not utilized in the preparation or posting of the materials. The Election Officer further states that the posting of campaign materials as described above is in accordance with the *Rules* and, in particular, Article VIII, § 10 (d) of such *Rules*, as approved by the United States District Court for the Southern District of New York and the United States Court of Appeals for the Second Circuit.

Local Union 600 has agreed to permit posting of campaign literature relating to the 1991 IBT International Union officer election.¹ Thus, the protest is considered RESOLVED.

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
Michael D. Gordon, Regional Coordinator

¹Neither the agreement, nor the Election Officer's jurisdiction, extends beyond the 1991 IBT International Union officer election.