



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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August 9, 1991

VIA UPS OVERNIGHT

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John Cetinske
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Re: Election Office Case No. P-838-LU63-CLA

Gentlemen and Ms. Peterson:

Two protests were filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Margaret Peterson and Buck Frederick, both members of Local Union 63 and employed at Roadway Express in Adelanto, California. The protests contend that John Cetinske, also a member of Local Union 63 employed at the Adelanto, California Roadway Express facility, was carrying a gun during the period of the delegate and alternate delegate election for Local 63. The protests alleged that Mr. Cetinske's actions were violative of earlier decisions of the Election Officer. See Election Office Case No. P-713-LU63-CLA.

The protest filed by Ms. Peterson also contends that literature, posted on the general purpose bulletin board at the Adelanto Roadway facility, was posted in violation of the previously established guidelines regarding such bulletin board. See Election Office Case Nos. P-055-LU63-CLA, P-288-LU63-CLA, P-690-LU63-CLA, Post-61-LU63-CLA and P-795-LU63-CLA; see also Compliance Decision of July 11, 1991. The protests were investigated by the Washington Office of the Election Officer.

I. THE WEAPONS ALLEGATIONS

The investigations revealed that neither Ms. Peterson or Mr. Frederick had ever seen Mr. Cetinske in possession of a weapon. The Election Officer's investigation is unable to discover any Local 63 member or any other person who had ever seen Mr. Cetinske in possession of a weapon.

Rather Mr. Frederick contends that Mr. Cetinske told Mr. Frederick that he, Mr. Cetinske, was carrying a weapon. According to Mr. Frederick, the matter was raised in casual conversation four to five months prior to Mr. Frederick's vacation in May, 1991. Mr. Frederick places the discussion in the parking lot of the Adelanto Roadway Express facility. Mr. Frederick states that he and Mr. Cetinske were talking about an election; Mr. Frederick can not remember whether the election that was being discussed was the Local 63 delegate and alternate delegate election or the election for stewards at the Adelanto Roadway Express facility, which election occurred approximately a year ago. Mr. Frederick states that the discussion referenced an incident which arose during the 1985 Local Union officer elections for Local 63. In the 1985 election, certain Local 63 members were physically assaulted. Mr. Frederick says that in connection with that portion of the discussion, Mr. Cetinske said that he, because of that incident, was carrying a gun for protection.

At least one other Local Union 63 member supported Mr. Frederick's statements. This member also states that Mr. Cetinske told him that he, Mr. Cetinske, was carrying a gun. This other member, however, places his last conversation with Mr. Cetinske on this subject during the period of 1988 Local Union officer elections, when Mr. Cetinske was seeking election as a Local Union Officer. No witness placed Mr. Cetinske with a gun either on his person or in his vehicle at any Local Union meeting, nor claimed that Mr. Cetinske stated that he carried a gun on his person or in his vehicle to any Local Union meeting. No witness placed Mr. Cetinske with a gun while engaged in campaign activities connected with the delegate or International Union Officer election.

Mr. Cetinske denies that he ever carried a gun; he further denies that he ever told anyone that he ever carried a gun. At least one other Local Union 63 member supports Mr. Cetinske's contention that he did not ever carry a gun. The member states that Mr. Cetinske counseled other members of Local Union 63 politically aligned with him against carrying any weapons at any time.

The Election Officer's jurisdiction extends to the processes connected with nomination and election of delegates and alternate delegates to the 1991 IBT International Union Convention and the nomination and election of International Union officers. The Election Officer will not exert jurisdiction over aspects of IBT members' lives which do not impact upon those processes. In his prior decision, Election Office Case No. P-713-LU63-CLA, the Election Officer prohibited members of Local Union 63 from carrying weapons of any type on their person or in their vehicle when attending any Local Union meeting or function. The weapon prohibition imposed by the Election

Mr. Buck Frederick
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Officer's decision did not extend beyond attendance at Local Union functions and meetings, or in any connection with the International Union officer and delegate elections.

In the instant case there is no evidence that Mr. Cetinske carried a gun or other weapon when attending any Local Union meeting or function or when engaging in any activities connected with either the delegate or International Union officer election. Further there is no allegation or evidence that Mr. Cetinske used a gun or any other weapon to threaten or harass any Local Union 63 member or any other persons. Under these circumstances there is no basis for the Election Officer to exercise jurisdiction. For this reason, this portion of these protests are **DENIED**.

II. BULLETIN BOARD ALLEGATIONS

Issues concerning use of the general purpose bulletin board located at the Adelanto Roadway Express facility has been a constant source of protests before the Election Officer. See Election Office Case Nos. P-055-LU63-CLA, P-288-LU63-CLA, P-690-LU63-CLA, Post-61-LU63-CLA and P-795-LU63-CLA as well as the Compliance Decision of July 11, 1991. By agreement of the parties the bulletin board was divided into quadrants. The upper right hand quadrant was reserved for members affiliated with the Informed Teamsters for the Good of All Slate and the International Union officer candidates supported by those members; the lower right hand quadrant was reserved for members associated with the Delegates for Carey Slate and the International Union officer candidates supported by them.

The Election Officer investigation of the instant protest disclosed that postings relating to the campaign of Ron Carey for General President of the IBT were posted in such a manner that the postings encroached upon the quadrant of the bulletin board reserved for the Informed Teamsters for the Good of All Slate and the International Union officer candidates supported by them. By direction of the Office of the Election Officer, a Local 63 member associated with the Delegates for Carey Slate reposted, on August 6, 1991, the campaign materials in question so that they no longer encroached upon the bulletin board quadrant reserved for the Informed Teamsters for the Good of All Slate.

The encroachment problem is for the moment resolved. However all members of Local 63 are once again reminded that the area for posting on the bulletin board is limited to a particular quadrant. Encroachments on the quadrants of members affiliated with or supporting a different candidate or candidates for International Union office is not permitted. If the Election Officer receives future valid protests of encroachment, the Election Officer will not hesitate to impose the costs of his investigation of such protest upon the member who improperly posted the materials. To the extent that the Election Officer is unable to identify the particular member who did the posting, the Election Officer will impose the remedy upon the political grouping as a whole, i.e. either upon the members of the Informed Teamsters for the Good of All Slate and the officers and business agents of Local 63 associated with that Slate or the members of the Delegates