

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

August 14, 1991

VIA UPS OVERNIGHT

Robert W. Nickel
1421 Itawamba Trail
London, OH 43140

Charles F. Teas
Secretary-Treasurer
IBT Local Union 413
555 East Rich Street
Columbus, OH 43215

W. Pete Bilyeu
President
IBT Local Union 413
555 E. Rich St.
Columbus, OH 43215

Jeffrey S. Pierce
11617 Meadow Ave., N.W.
Pickerington, OH 43174

Re: Election Office Case No. P-858-LU413-CLE

Gentlemen:

Two protests were filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Robert W. Nickel and Jeffrey S. Pierce, members of Local Union 413. A copy of the protests are enclosed herein. The protests concern the date for the Local Union officer elections in Local Union 413. Mr. Nickel's protest also challenges the provisions of the nomination notice for such Local Union officer election.

By the terms of the March 14, 1989 Consent Order and the *Rules*, the jurisdiction of the Election Officer extends only to the nomination and election process for IBT International Union Convention delegates, alternate delegates and International Union officers. The Election Officer has no jurisdiction with respect to the nomination or election process for Local Union officers. See *Rules*, Preamble at 1-2. Thus, insofar as the protests concern the date of the nomination meeting and election for the Local Union officers of Local Union 413, it is outside the jurisdiction of the Election Officer.¹

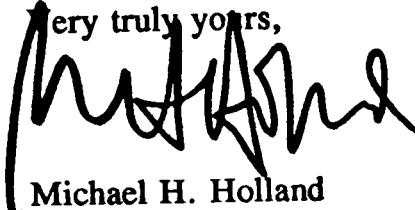
¹The allegation contained in the protests that Local Union President Pete Bilyeu wants an early election for Local Union 413 officers in order to prevent his alleged support for General President candidate R.V. Durham from impacting upon his candidacy for Local Union office is insufficient to implicate the nomination and election process for officers in Local 413 with the International Union officer election, and addresses what is not a legal, but is rather a political, matter within the Local.

Robert W. Nickel
Page 2

The second portion of Mr. Nickel's protest concerns the wording of the Local Union officer nomination notice. Mr. Nickel contends that the notice states that Local Union officers will automatically be delegates to the 1996 IBT International Union Convention in violation of the March 14, 1989 Consent Order and the *Rules*. The Election Officer notes that he has assumed jurisdiction with respect to similar protests regarding the identity of delegates for the 1991 IBT International Union Convention. However, the Election Officer also notes that the delegates to the 1991 IBT International Union Convention voted to make Local Union officers delegates automatically to the 1996 IBT International Union Convention. The United States of America, pursuant to its authority under ¶ 17 of the Consent Order, refused to approve such amendment to the IBT International Union Constitution. The matter is, in short, not within the jurisdiction of the Election Officer. To address this issue now would be a usurpation of the jurisdiction of the United States District Court for the Southern District of New York.

The protest here, in its entirety, is beyond the jurisdiction of the Election Officer. Accordingly, the protest is **DENIED** for that reason.

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
Joyce Goldstein, Regional Coordinator

JFFREY S. PIERCE

P.O. BOX 13637
COLUMBUS, OHIO 43213

August 8, 1991

Mr. Michael H. Holland
Office of the Elections Officer for the
International Brotherhood of Teamsters
25 Louisiana Avenue N.W.
Washington, D.C. 20001

Re: Election Protest and Charge against W. Pete Bilyeu,
President of Teamsters Local Union 413.

Dear Mr. Holland;

The following is a pre-election protest and charge against W. Pete Bilyeu, President of Teamsters Local Union 413.

It was brought to my attention today, August 8, 1991 by receipt of a Local 413 Nominations Notice (see Exhibit A), that Pete Bilyeu is not following Article XVI of Local 413's Bylaws in regard to proper authorization and procedure concerning the upcoming Local Union Nominations and Election.

I filed a pre-election protest on this issue with the Local Union Executive Board on August 1, 1991 (see Exhibit B). It was heard on August 6, 1991, along with another parallel protest of Robert Nickel. The Executive Board voted to uphold our protests and voted to schedule the election in November, 1991 in accordance with Article XVI Section 1 of Local 413's Bylaws.

Further, a majority of the Executive Board had written Joint Council 41 of their concern and wishes on this matter. They wanted the election to coincide with our Bylaws.

President Bilyeu, notwithstanding this reversal of his intent on his own mailed out a Notice of Nominations to the Membership, with the intent to run the election via referendum (mail ballot) between September 12, 1991 to October 2, 1991 with the ballot count on October 3rd. Bilyeu did this action unilaterally, over Executive Board objection and reverse ruling; and contrary to the Bylaws of Local 413. He is singlehandedly attempting to run and control this election.

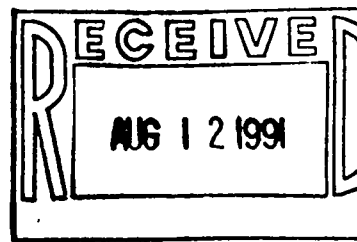
It was brought to my attention upon my inquiry from Local 413 Secretary-Treasurer Charles Teas that Pete Bilyeu told him that he is going to get the Local election finished early, so that he can campaign for R.V. Durham's Slate.

This creates an unfair advantage to R.V. Durham's slate. Further, it is a gross violation of policy and procedure of Local 413's Bylaws. Additionally and critically, it is a corrupt practice for a Union official to unilaterally spend Union funds for acts contrary to the Bylaws, Executive Board decision and responsibility; duties of other officers; and over the sustained objection (protest) of the Membership, for such acts and expenditures.

715/CLK

XMH/H
RTH

TD: Protest CAMP



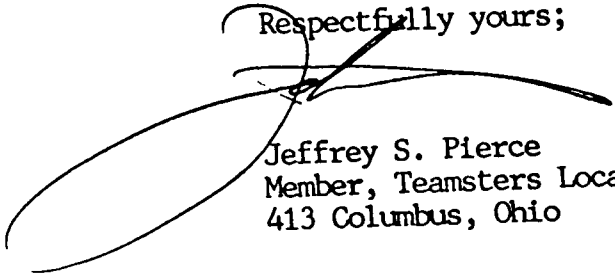
Mr. Michael H. Holland
August 8, 1991
page two

I herewith request that you take any action that is lawfully appropriate to amend this political act by Bilyeu which grossly interferes with a fair election within our Local with regard to the IBT election and gross violation of our Local 413 Bylaws toward the conduct of our Local election, as well.

Please send your response UPS/NDA to the undersigned at my residence at 11617 Meadow Avenue, N.W., Pickerington, Ohio 43147.

Thank you.

Respectfully yours;



Jeffrey S. Pierce
Member, Teamsters Local
413 Columbus, Ohio

Enclosure

cc: Mr. Charles M. Carberry
Investigations Officer
Jones, Day, Reavis & Pogue
599 Lexington Avenue
New York, New York 10022

Mr. Charles F. Teas
Secretary-Treasurer
Teamsters Local Union 413
555 East Rich Street
Columbus, Ohio 43215

CERTIFIED MAIL RETURN RECEIPT REQUESTED P 503 401 675

TEAMSTERS LOCAL UNION NO. 413

555 East Rich Street • Columbus, Ohio 43215-5397

Phone: (614) 228-6492

FAX: (614) 228-3933

BUSINESS AGENTS:

CARL CLAY
HENRY FRANCHINI
JIMMY H DUFF

OFFICERS:

ROBERT BILYEU
President

HARLES F. TEAS
Secretary-Treasurer

BERNON D. BELL
Vice President

AMES E. HARVEY, JR.
Recording Secretary



TRUSTEES:

PHIL COTTRILL
JOHN W. STARKEY
DAVE CARTER

NOTICE OF NOMINATIONS & ELECTION TO ALL MEMBERS OF TEAMSTERS LOCAL UNION NO. 413

Notice of nominations and election of officers for Local Union No. 413, for a term of office expiring on December 31, 1994.

Nomination of candidates will take place on September 1, 1991, at 8:00 P.M. at the Union Hall located at 555 East Rich Street, Columbus, Ohio.

Officers to be nominated are President and Business Agent, Vice President and Business Agent, Secretary-Treasurer and Business Agent, Recording Secretary and Business Agent, three (3) Trustees, and three (3) Business Agents. Nominations shall be made orally from the floor by a member in good standing other than the nominee and seconded by a member in good standing other than the nominee.

To be eligible to nominate and otherwise participate in the nominations meeting, a member must have his or her dues paid through the month of August, 1991. To be eligible to run for office, a member must be in continuous good standing for a period of twenty-four (24) consecutive months prior to nomination. The fifty percent (50%) meeting attendance requirement shall not be enforced as a condition of eligibility to run for office in this election. Prospective nominees are advised to verify, in advance of the nominations meeting, the eligibility of their nominators and seconders.

The Election to select the above officers will be conducted by mail referendum ballot. Instructions for completing the mail referendum ballot and the balloting materials will be mailed to the home address of each member on September 12, 1991.

IF YOU HAVE NOT RECEIVED A COPY OF THIS NOTICE, THE LOCAL UNION DOES NOT HAVE YOUR CORRECT MAILING ADDRESS. IT IS YOUR RESPONSIBILITY TO IMMEDIATELY NOTIFY THE LOCAL UNION OF YOUR CORRECT ADDRESS.

Ballots must be placed in the mail in time to be received by midnight, October 2, 1991 and will be counted October 3, 1991.

(EXH. A)

(over)

To be eligible to vote in this election, you must have paid your dues through the month of September, 1991. Members currently in arrears and those responsible for the self-payment of dues may pay any delinquency and September, 1991 dues at the Local Union Hall, 555 East Rich Street, Columbus, Ohio 43215, before 4:30 P.M. on Wednesday, October 2, 1991.

The Election will be conducted by Hausser + Taylor, Certified Public Accountants, 471 East Broad Street, Suite 1200, Columbus, Ohio 43215. Members who do not receive balloting materials by September 19, 1991, may request a duplicate set of materials from Hausser + Taylor. Such requests must be made in person or in writing.

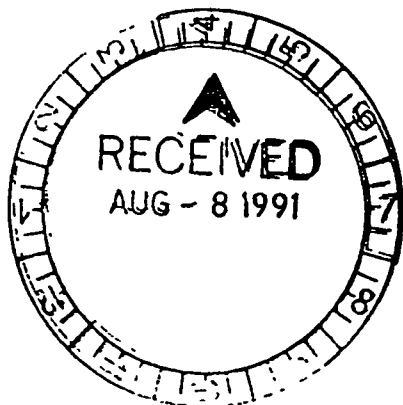
Elected officers and business agents of the Local Union shall, by virtue of such election, be delegates to any Joint Council with which the Local is affiliated as well as to any convention of any subordinate body which may take place during their term of office. Elected local union officers shall be delegates to such conventions in the order of priority set forth in Article III, Section 5(a) (1) of the International Constitution or as set forth in the Local Union Bylaws.

The Election shall be conducted in accordance with the International Constitution, and applicable federal law.

Fraternally yours,

TEAMSTERS LOCAL UNION NO. 413

W. Pete Bilyeu
W. Pete Bilyeu
President



(EXH. A)

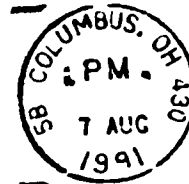
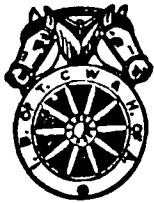
TEAMSTERS LOCAL UNION No. 413

*Affiliated with The International Brotherhood of
Teamsters, Chauffeurs, Warehousemen and Helpers of America*

555 East Rich Street
Columbus, Ohio 43215-5397



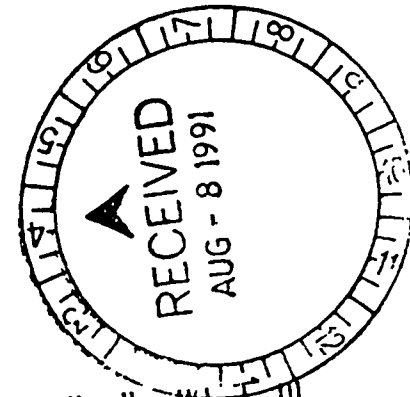
Address Correction Requested



COLUMBUS, OHIO 43216 #5 08/

0413301587459003270000
JEFFRY S PIERCE
P O BOX 13637
COLUMBUS OH 43213

CSU



(EXH-A)

JEFFREY S. PIERCE

P.O. BOX 13637
COLUMBUS, OHIO 43213

HAND DELIVERED

August 1, 1991

Mr. Charles F. Teas
Secretary-Treasurer
Teamsters Union Local 413
555 East Rich Street
Columbus, Ohio 43215

Re: Nomination and Election Protest to the Local Union Executive Board in accordance with Article XVI Section 8(a) of the Bylaws of Teamsters Local Union 413.

Dear Sir and Brother;

The following is a pre-election protest against W. Pete Bilyeu, President of Teamsters Union Local 413.

It was brought to my attention upon my inquiry and further questioning of you, Brother Teas, yesterday July 31st; that Pete Bilyeu is not following Article XVI in regard to proper authorization and procedure concerning the upcoming Local Union Nominations and Elections.

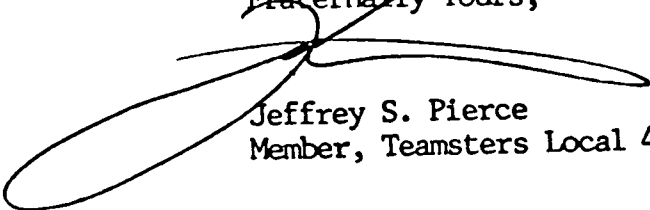
This protest is specifically directed to his actions regarding the nominations: date, time, and notice to Members.

I protest that the Membership has not been properly noticed in compliance with Article XVI Section 1: "... The Executive Board shall set the time and place of nominations and elections..."; Art. XVI Section 6(b): "... The Local Union Executive Board shall have the authority to establish all rules and regulation for the conduct of the election." (emphasis added); Art. XVI Section 7: "Duties of Secretary-Treasurer in connection with Nominations and Elections."; Art. XVI Section 7(a): "The Secretary-Treasurer shall at least twenty (20) days prior to the holding of the nominations give notice...". "Such notice shall be given in the manner determined by the Local Union Executive Board consistent with these rules."; Art. XVI Section 7(c): "Unless a joint nomination-election notice was sent, the Secretary-Treasurer shall give written notice to the Membership of the Local...".

To wit: Brother Bilyeu has deliberately on his own attempted to control and establish the time, place, and notice of nominations without regard to or for the above cited 413 Bylaws provisions regarding Executive Board authority, and the duties of the Secretary-Treasurer.

I hereby, protest Brother Bilyeu's actions regarding the upcoming nominations meeting to the Local Union Executive Board for prompt remedy of these violations.

Fraternally Yours;


Jeffrey S. Pierce
Member, Teamsters Local 413

Attachment: two copies

(EXH. B.)

FREY S. PIERCE

P.O. BOX 13637
COLUMBUS, OHIO 43213

August 8, 1991

Mr. Michael H. Holland
Office of the Elections Officer for the
International Brotherhood of Teamsters
25 Louisiana Avenue N.W.
Washington, D.C. 20001

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Further, a majority of the Executive Board had written Joint Council 41 of their concern and wishes on this matter. They wanted the election to coincide with our Bylaws.

President Bilyeu, notwithstanding this reversal of his intent on his own mailed out a Notice of Nominations to the Membership, with the intent to run the election via referendum (mail ballot) between September 12, 1991 to October 2, 1991 with the ballot count on October 3rd. Bilyeu did this action unilaterally, over Executive Board objection and reverse ruling; and contrary to the Bylaws of Local 413. He is singlehandedly attempting to run and control this election.

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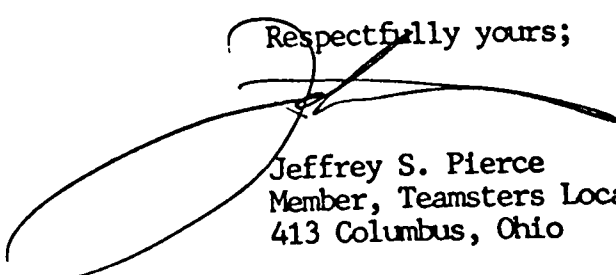
Mr. Michael H. Holland
August 8, 1991
page two

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Jeffrey S. Pierce
Member, Teamsters Local
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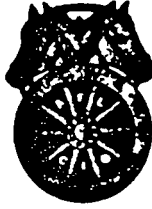
OFFICERS:

WETE BILYEU
President

CHARLES F. TEAS
Secretary-Treasurer

VERNON D. BELL
Vice President

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Recording Secretary



TRUSTEES:

PHIL COTTRILL
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The Election to select the above officers will be conducted by mail referendum ballot. Instructions for completing the mail referendum ballot and the balloting materials will be mailed to the home address of each member on September 12, 1991.

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TEAMSTERS LOCAL UNION NO. 413

W. Pete Bilyeu
W. Pete Bilyeu
President



(EXH. A)

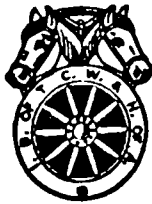
TEAMSTERS LOCAL UNION No. 413

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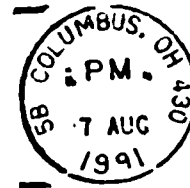


Address Correction Requested

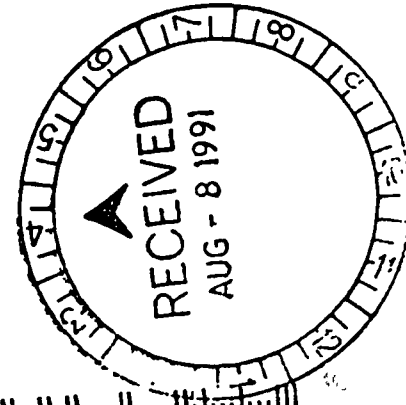


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JEFFRY S PIERCE
P O BOX 13637
COLUMBUS OH 43213

CSU



COLUMBUS, OHIO 43216 #5 08/



(EXH. A)

JEFFREY S. PIERCE

BOX 13637
COLUMBUS, OHIO 43213

HAND-DELIVERED

August 1, 1991

Mr. Charles F. Teas
Secretary-Treasurer
Teamsters Union Local 413
555 East Rich Street
Columbus, Ohio 43215

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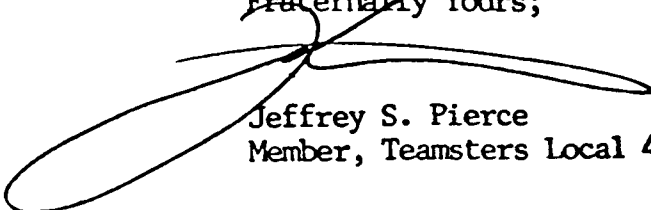
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To wit: Brother Bilyeu has deliberately on his own attempted to control and establish the time, place, and notice of nominations without regard to or for the above cited 413 Bylaws provisions regarding Executive Board authority, and the duties of the Secretary-Treasurer.

I hereby, protest Brother Bilyeu's actions regarding the upcoming nominations meeting to the Local Union Executive Board for prompt remedy of these violations.

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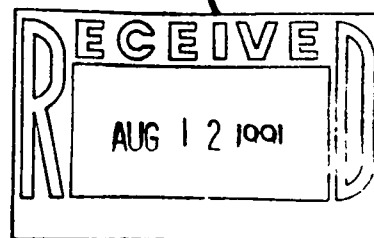

Jeffrey S. Pierce
Member, Teamsters Local 413

Attachment: two copies

(EXH. B)

August 8, 1991

Robert W. Nickel
1421 Itawamba Trail
London, Ohio 43140



Michael H. Holland
Office of the Election Officer for the
International Brotherhood of Teamsters
25 Louisiana Avenue N.W.
Washington, D.C. 20001

XMH
BJH
TO: PRO

Dear Mr. Holland:

I am a member in good standing of Teamsters Local Union 413, and am a driver at Signal Delivery Service, Inc. I also will be a candidate for the office of Recording Secretary of Local 413.

I am writing this letter to you to protest the way some persons are attempting to conduct the upcoming nominations and elections for Officers, Business Agents and Trustees of Local 413 in Columbus, Ohio.

My first protest is in regard to the date of September 1, 1991 being the date on which the nomination meeting is to take place. This date was unilaterally set by Local 413 President, Pete Bilyeu. However, 413 Bylaws specifically indicate that:

"----NOMINATIONS OF OFFICERS SHALL BE HELD IN NOVEMBER----"

I was informally informed on July 31, 1991 that Bilyeu was going to attempt to change the date. As such, I filed a written protest with 413 Secretary/Treasurer, Charles F. Teas on August 1, 1991. My protest was brought before the Executive Board of 413 on August 6, 1991. The Executive Board ruled that my protest, challenge and objection to the change of date is valid, and that the nomination meeting should be held in November, 1991 as provided for by our Bylaws.

Notice of nomination meetings are supposed to be sent to the members by the Secretary/Treasurer. However Teas rightfully refused to send out a notice which is in violation of our Bylaws. Then, by himself, Bilyeu, on August 7, 1991 mailed out a notice which indicates the September 1, 1991 date for nominations.

In that Bilyeu will be a candidate for re-election, I believe he is attempting to limit the time that opposition candidates have to prepare for the election. I HAVE ALSO BEEN INFORMED BY PERSONS WHO WILL TESTIFY UNDER OATH IF ASKED, THAT BILYEU HAS PRIVATELY INDICATED THAT HE IS SUPPORTING R.V. DURHAM FOR INTERNATIONAL PRESIDENT, AND DOES NOT WANT TO PUBLICIZE HIS SUPPORT IN FEAR OF LOSING VOTES IN HIS RE-ELECTION BID. BILYEU HOPES THAT IF HE CAN ACHEIVE RE-ELECTION IN SEPTEMBER, THEN HE WILL HAVE NOTHING TO FEAR BY SUPPORTING R.V. DURHAM IN DURHAM'S DECEMBER, 1991 BID FOR THE PRESIDENCY OF THE INTERNATIONAL.

I am asking that you set aside the September 1, 1991 date for nominations as that date was set by Bilyeu for purely political reasons, and is not in the best interest of the members of Local 413.

My second reason that you set aside the September 1, 1991 date is that in Bilyeu's August 7, 1991 notice of nominations, he indicated that "ELECTED LOCAL UNION OFFICERS SHALL BE DELEGATES TO SUCH CONVENTIONS IN THE ORDER OF PRIORITY SET FORTH IN ARTICLE III, SECTION 5(a) (1) OF THE INTERNATIONAL CONSTITUTION-----".

The article he refers to would AUTOMATICALLY MAKE "OFFICERS AND BUSINESS AGENTS"-----"DELEGATES TO ANY INTERNATIONAL CONVENTION-----". Obviously Bilyeu knows that this WOULD STRIP 413 MEMBERS OF OUR RIGHT TO ELECT DELEGATES WHO WOULD GO TO FUTURE CONVENTIONS AND NOMINATE INTERNATIONAL OFFICERS.

Sincerely,



Robert W. Nickel.