



OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
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Election Officer

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October 8, 1991

**VIA UPS OVERNIGHT**

Gerald Moerler  
13104 Glen Ct. #40  
Chino Hills, CA 91709

Everett J. Roberts  
Trustee  
IBT Local Union 63  
1616 W. Ninth St.  
Room 205  
Los Angeles, CA 90015

Vons Grocery Co.  
4344 Shirley Ave.  
El Monte, CA 91731

**Re: Election Office Case No. P-902-LU63-CLA**

Gentlemen:

A protest was filed pursuant to Article XI, § 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Gerald Moerler, a member of IBT Local 63. In his protest, Mr. Moerler alleges that his employer, Vons Grocery, Inc., violated Article VIII, § 10 of the *Rules* by allowing someone to post campaign literature in support of R. V. Durham's candidacy on top of Carey campaign literature that Moerler had previously placed on the locked employee bulletin board at the Boxford facility. An investigation was conducted by Gerry Fellman, Election Office Adjunct Coordinator. The investigation revealed the following facts.

Mr. Moerler is employed by Vons Grocery, Inc. and works at Vons' El Monte facility. In Election Office Case No. P-638-LU63-CLA, the Election Officer held that Vons' employees wherever employed have the right of access to all Vons facilities for the purpose of posting campaign literature on employee bulletin boards in the drivers rooms at Vons facilities. The Election Officer's decision was based on the company's established past practice of permitting access to the drivers room for all Vons' employees including those not employed at a particular Vons facility. Since the Election Officer's decision in Election Office Case No. P-638-LU63-CLA, Mr. Moerler has routinely visited the drivers room at the Boxford facility for the purpose of posting campaign literature on the employee bulletin board, a locked board. Mr. Moerler states that when he arrives at the Boxford facility, he contacts a supervisor who obtains the keys for the bulletin board and unlocks the glass case. Mr. Moerler states that the supervisor always

reviews materials that Mr. Moerler intends to post and also monitors whatever literature Mr. Moerler removes from the bulletin board.

Mr. Moerler states that on September 11, 1991, he went to the Boxford facility for the purpose of posting Carey campaign literature. Mr. Moerler states that when he looked at the bulletin board, he discovered that someone had posted R. V. Durham campaign literature over the Ron Carey campaign literature that he had previously posted on the board. Mr. Moerler claims that the fact that the R. V. Durham literature was posted over his campaign literature demonstrates that Vons is continuing to discriminate against him as well as other Carey supporters. To support his allegation, Mr. Moerler relies on the fact that when he wants to post campaign material on the board, a supervisor opens the board for him and reviews whatever he is posting and whatever material he is removing. Mr. Moerler argues that the company is not enforcing this policy uniformly, as evidenced by the fact that the company had allowed someone to cover his campaign literature.

Gerry Fellman interviewed George Misso, the Vons manager at the Boxford facility. Mr. Misso confirms that Vons keeps the bulletin board locked and that company personnel personally supervise the posting and removal of campaign literature on the board. Mr. Misso states that he was not aware that anyone had posted Durham campaign literature over Moerler's campaign posting. Mr. Misso also stated that to the best of his recollection, Mr. Moerler's literature in support of Ron Carey had been on the board for quite some time.

Article VIII, § 10 of the *Rules* provides that "all IBT 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." As stated earlier, the Election Officer ruled in Election Office Case No. P-638-LU63-CLA that for IBT members employed by Vons, the right to participate in campaign activities included the right to post campaign literature or employee bulletin boards at all Vons locations, irrespective of where an individual Vons member is employed.

Although the facts are insufficient to support Mr. Moerler's allegation that Vons is actively discriminating against him or other Carey supporters, there is no evidence to refute Mr. Moerler's claim that the Carey campaign literature was obstructed by a piece of R.V. Durham campaign literature.

The underlying requirement of the *Rules* of equal treatment of all IBT members requires that Vons adhere to a consistent, uniform policy concerning the posting of campaign literature. That requirement includes preventing campaign literature from being improperly removed, defaced or obscured by other literature or documents. To the extent that the Election Officer receives any further protests where the evidence

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demonstrates that Vons is failing to adhere to a policy guaranteeing equal treatment, or is permitting campaign literature to be improperly removed, defaced or obscured, the Election Officer will not hesitate to impose an appropriate remedy, including but not limited to requiring that Vons distribute copies of campaign literature on behalf of the members or candidates adversely affected. See Election Office Case No. P-882-LU63-CLA.

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

Geraldine L. Leshin, Regional Coordinator

Gerry Fellman, Adjunct Regional Coordinator

Susan Jennik, Esq.  
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