

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

October 1, 1991

**VIA UPS OVERNIGHT**

Archie Cook  
4508 Balmoral Drive  
Richton Park, Illinois 60471

Leroy Ellis  
18807 Oakwood Drive  
Country Club Hills, Illinois 60477

Tony Judge  
Secretary-Treasurer  
IBT Local Union 706  
300 South Ashland Avenue  
Chicago, Illinois 60607

**Re: Election Office Case No. P-925-LU706-CHI**

Gentlemen:

A protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In his protest, Archie J. Cook alleges that IBT Local Union 706 unreasonably delayed in responding to the request of Leroy Ellis, a nominated candidate for International Vice President from the Central Conference, for the list of worksites where members of Local Union 706 are employed. The Election Officer's investigation reveals the following.

Leroy Ellis is a nominated candidate for the office of International Vice President from the Central Conference. In an undated letter to the Secretary-Treasurer of Local 706, Mr. Ellis requested a list of all worksites where members of the Local Union are employed. Mr. Ellis cited Article VIII, § 1 of the *Rules* in support of his request and stated, quoting the *Rules*, that the request was to be honored within five days. Mr. Ellis maintained that the Local did not respond within the five day period as provided for in the *Rules*. Mr. Ellis made no attempt to contact the Local thereafter either telephonically or in writing; instead he filed this protest.

The Local's Secretary-Treasurer states that he received Mr. Ellis' undated letter on August 8, 1991. He responded by letter dated August 14, 1991 enclosing the Local's worksite list. The letter was sent to the address provided by Mr. Ellis, albeit not by certified mail. Mr. Ellis claims he did not receive the letter, although -- as noted above

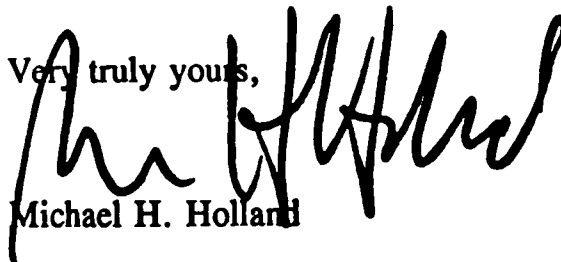
-- he never contacted the Local. The list was remailed to Mr. Ellis after this protest was filed.

Article VIII, § 1 of the *Rules* requires Local Unions to permit candidates the right to inspect collective bargaining agreements covering the Local Union's members in order to permit candidates and their campaigns to determine where such members are employed. Under the *Rules*, the Local Union may satisfy this obligation by "providing within the five-day period set forth above, a list of all the sites with address where any and all of its members work." Article VIII, § 1(c). Further, the Election Officer has held that a Local is obligated to provide the worksite list where review of the collective bargaining agreements will not yield the street addresses of all worksites where all of the Local's members are employed. Local Union 706 has elected to provide candidates with copies of the worksite list.

The evidence does not establish that the Local failed to promptly respond to Mr. Ellis' request as required by the *Rules*. However, even assuming that Local 706 had not responded on August 14, 1991, the Election Officer notes that Mr. Ellis contributed to any delay which might have occurred by his failure to contact the Local after submitting his undated request for a copy of the worksite list. Moreover the International Union officer election will not occur until December 10, 1991; ballots will not be mailed for the election for approximately another six (6) weeks. The worksite list has now been provided. Mr. Ellis has adequate opportunity to campaign despite the delay in obtaining the worksite information. For these reasons the Election Officer considers the matter **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

Archie J. Cook  
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cc: Frederick B. Lacey, Independent Administrator  
Julie E. Hamos, Regional Coordinator