

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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October 8, 1991

**VIA UPS OVERNIGHT**

T. K. Johnson  
1124 W. Walnut  
El Reno, OK 73036

Consolidated Freightways  
Attn: Mr. Elrick, Terminal Manager  
1400 SE Skyline Road  
Oklahoma City, OK 73129

Charlie Thompson  
President  
IBT Local Union 886  
3528 W. Reno  
Oklahoma City, OK 73125

Aaron Belk  
6502 Poplar Corner  
Walls, MS 38680

**Re: Election Office Case No. P-932-LU886-SOU**

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by T.K. Johnson, a member of Local Union 886. Mr. Johnson protests that on September 23, 1991 at 9:00 a.m., he accompanied Aaron Belk, a candidate for IBT International Vice President on the Ron Carey Slate, to the Consolidated Freightways facility at 1400 SE Skyline Road, Oklahoma City, Oklahoma for the purpose of campaigning. He contends that they were denied access to the breakroom at the facility contrary to prior practice. The protest was investigated by Regional Coordinator Larry Daves.

On September 23, 1991 Messrs. Johnson and Belk entered the breakroom at the Skyline Road Consolidated Freightways facility for campaign purposes. They were informed by security or supervisory personnel that they were to leave. They were told that no IBT member not employed at the facility was permitted access to the breakroom for campaign purposes. They asked to meet and did meet with the terminal manager, who reiterated that IBT members not employed by that facility would not be permitted access to the breakroom for campaign purposes. The terminal manager further stated that any campaign materials they brought in the breakroom would be thrown away.

In both the delegate election process and during prior Local Union officer election campaigns, candidates and their supporters - including members not employed at the Skyline facility - were permitted entry to the breakroom for campaign purposes. They were also permitted access to the interior of the Skyline facility for the purpose of posting campaign materials on general purpose bulletin boards located there. On April 7, 1991, Ron Carey, presently a nominated candidate for IBT General President and at that time a candidate for such office, was permitted to campaign in both the breakroom

and the dock area of the facility. On September 22, 1991, Messrs. Johnson and Belk were also permitted to engage in campaign activities in the breakroom. Indeed, after the incident here in question, on September 27 or 28, 1991, T. C. Stone, a nominated candidate for International Union Vice President from the Southern Conference, was afforded access to the Consolidated Skyline facility breakroom for campaign purposes.

Article VIII, § 10(d) of the *Rules* provides:

No restrictions shall be placed upon candidates' or members' pre-existing rights to use employer or Union bulletin boards for campaign publicity. Similarly, no restrictions shall be placed upon candidates' or members' pre-existing rights to solicit support, distribute leaflets or literature, conduct campaign rallies, hold fund raising events or engage in similar activities on employer or Union premises,. Such facilities and opportunities shall be made equally available on the same basis to all candidates and members.

Pre-existing rights are those derived from substantive law or those rights afforded as a matter of prior practices. See the Advisory Regarding Political Rights, issued December 28, 1990. The investigation revealed that Consolidated Freightways has historically provided access to the breakroom at its Skyline Road facility for campaigning purposes. Accordingly, Consolidated Freight may not now change its prior practice with respect to its Skyline Road facility and must make such access equally available to all candidates for IBT International Union office.

For the reasons set forth above, this protest is GRANTED. All nominated candidates for IBT International office shall be permitted access to the breakroom of the Consolidated Freightways facility located on Skyline Road in Oklahoma City, Oklahoma for campaign purposes. Similarly, all such candidates shall be permitted to post campaign literature on the general purpose bulletin board located at such facility. Consolidated Freightways may require reasonable prior notice by the candidates wishing to gain such access.<sup>1</sup> Absent extenuating circumstances, the Election Officer deems 48 hours to constitute reasonable prior notice.

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,

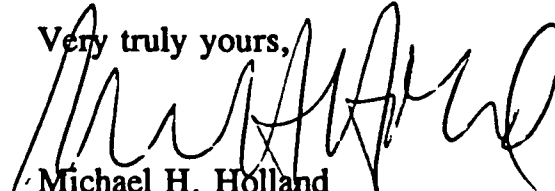
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<sup>1</sup> Consolidated Freightways may not, of course, effectuate a prior notice requirement on a discriminatory basis. Thus, to the extent that Consolidated Freightways permits access without notice by any candidates, it cannot require other candidates to provided such notice.

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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

Larry R. Daves, Regional Coordinator

Arthur Hackworth, General Counsel  
Consolidated Freightways, Inc.  
3240 Hillview Avenue  
Palo Alto, CA 94304

Ron Carey  
c/o Richard Gilberg, Esquire  
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Walter Shea  
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W. C. "Willie" Smith  
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Jackson, MS 39204

T. C. Stone  
c/o T. C. Stone for V. P. Campaign  
c/o IBT Local Union 745  
1007 Jonelle St.  
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