

November 25, 1996

VIA UPS OVERNIGHT

Roy L. Atha
1220 Selma Road
Springfield, OH 45503

Lon E. Fields, Sr., President
Teamsters Local Union 89
3813 Taylor Boulevard
Louisville, KY 40215

J.D. Jackson
Automobile Transporters Industry Division
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, DC 20001

Charles Lee
Teamsters Local Union 745
1007 Jonelle Street
Dallas, TX 75217

Richard W. Nelson, President
Teamsters Local Union 886
3528 W. Reno
Oklahoma City, OK 73107

Ronnie L. Greene, President
Teamsters Local Union 512
1210 Lane Avenue, N.
Jacksonville, FL 32254

Ron Carey, General President
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, DC 20001

Ron Carey Campaign
c/o Nathaniel K. Charny
Cohen, Weiss & Simon
330 W. 42nd Street
New York, NY 10036

John Sullivan, Associate General Counsel
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, DC 20001

**Re: Election Office Case Nos. P-1211-IBT-CLE
P-1288-IBT-EOH**

Gentlemen:

Related pre-election protests were filed pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election* (“*Rules*”) by Roy L. Atha, secretary-treasurer of Local Union 654. In P-1211-IBT-CLE, Mr. Atha alleges that Lon E. Fields, Sr., president of Local Union 89 and a candidate for International vice president on the Ron Carey No Corruption-No Dues Increase Slate (“Carey slate”), used local union resources to host a campaign event during a carhaul grievance conference in early October 1996, and at a similar function in April 1996. Mr. Atha also alleges that Local Union 512 in Jacksonville, Florida, Local Union 866 in Oklahoma City, Oklahoma and Local Union 745 in Dallas, Texas paid for events advertised as carhaul “Gearing Up for the Future” meetings where campaigning for the Carey slate occurred. Finally, Mr. Atha also alleges that the IBT pays Charles Lee, an assistant trustee at Local Union 745, to fly from his home in Kentucky each week to campaign for the Carey slate. In P-1288-IBT-EOH, Mr. Atha alleges that a union-financed “Action Meeting,” held in Louisville, Kentucky on November 10, 1996 constituted campaigning for the Carey slate because there was no “necessary purpose” for this meeting.

The Carey slate responds that Mr. Atha’s allegations are untimely.

Mr. Fields responds that he paid for a hospitality room at the hotel where the October 8-10 carhaul grievance meeting was held out of his campaign funds and used no local union resources. He states that campaign materials were handed out to guests in the hospitality room.

Ronnie Green, president of Local Union 512, states that the meeting hosted by his local union had nothing to do with the campaign or the Carey slate in any way.

Richard Nelson, president of Local Union 886, states that no such meeting as alleged by the protester has been hosted by his local union.

Mr. Lee denies that he campaigns on employer premises or uses union resources to campaign. He also states that no campaigning occurred at the carhaul meeting hosted by Local Union 745.

Regional Coordinator Joyce Goldstein investigated the protests.

Mr. Atha alleges that the presence of hospitality rooms at the October and April grievance meetings indicates that campaigning occurred. He provided no evidence that the “Gearing Up for the Future” meetings contained campaign activities. Rather, he believes the meetings are improper and untimely. While he concedes that carhaul members are concerned about many issues, he states that these issues could have been discussed at the grievance meetings or should be discussed after the election. During the investigation, Mr. Atha stated that these meetings constitute campaigning solely because of their timing and that were they held six months ago they would not constitute campaigning.

Mr. Fields provided evidence that he paid for the hospitality room at the October grievance meeting. This evidence has been corroborated by hotel staff. The investigation disclosed evidence of a hospitality room at the April grievance meeting in Louisville, Kentucky, but produced no evidence that campaigning took place there.

While Mr. Atha alleges that Mr. Lee travels at union expense to campaign at employer work sites, he provided no evidence to support this allegation. The witness provided by the protester to support this allegation did not corroborate his assertions.

Finally, Mr. Atha's contention that the timing of the "Gearing Up for the Future" meetings and the "Action Meeting," including the one held in Louisville on November 10, 1996, makes them campaigning--regardless of their content--is without merit. The Election Officer has previously examined the motivations of the IBT for the scheduling of these meetings and found them to be a legitimate effort to address the concerns of members. See, Hoffa, P-1181-IBT-EOH (November 18, 1996). The Election Officer determined that these meetings were based upon recent events in the carhaul industry and concerns arising from implementation of the master carhaul agreement.

Accordingly, the protest is DENIED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one day of 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:

Kenneth Conboy, Esq.
Latham & Watkins
885 Third Avenue, Suite 1000
New York, NY 10022
Fax (212) 751-4864

Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 N. Capitol Street, Suite 855, Washington, D.C. 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel

Roy Atha
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Election Officer

cc: Kenneth Conboy, Election Appeals Master
Joyce Goldstein, Regional Coordinator