

March 12, 1996

VIA UPS OVERNIGHT

Barney W. Smith
402 N. Rock Drive
Houston, TX 77073

James Buck, Trustee
Teamsters Local Union 988
3100 Katy Freeway
Houston, TX 77007

Teamsters 4 Teamsters Slate
c/o Chuck Crawley
703 Wynd
Pasadena, TX 77503

Re: Election Office Case No. P-503-LU988-SOU

Gentlemen:

A pre-election protest was filed pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")* by Barney Smith, a member of Local Union 988 and a candidate for delegate. Mr. Smith alleges that Local Union 988 Trustee Jim Buck hired members of the Teamsters 4 Teamsters slate of candidates to fill local union positions with the goal of increasing their exposure to union members and influencing the outcome of Local Union 988's delegate and alternate delegate election. According to the protester, Mr. Buck's actions violate Article VIII, Section 11(b) of the *Rules*. In response, Mr. Buck states that he hired all individuals based on their respective job qualifications and not on their slate affiliation. Mr. Buck points out that in addition to candidates on the Teamsters 4 Teamsters slate, he also hired a person who is a candidate for delegate on the Members Leadership slate, as well as individuals with no connection to the delegate and alternate delegate election.

This protest was investigated by Regional Coordinator Dolores C. Hall.

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The Election Officer's investigation included extensive interviews with the protester, Mr. Buck and individuals recently hired to fill local union positions. Relevant to this protest, Local Union 988 employs four business agents--Roland Bell, Chuck Crawley, Dennis Bankhead and Robert Alvarez. Mr. Crawley and Mr. Bankhead are candidates for delegate on the Teamsters 4 Teamsters slate, and were hired in December 1995. Neither Mr. Bell nor Mr. Alvarez is a candidate for delegate or alternate delegate. The local union also hired, on a temporary basis during the past four months, members Sam Levy and Tom Mitchell, candidates on the Teamsters 4 Teamsters and Members Leadership slates, respectively. The local union also hired Tim Mardis as a special projects coordinator to organize workers in the waste management industry. Mr. Mardis is a candidate for delegate on the Teamsters 4 Teamsters slate.

The investigation of this protest included reviewing the circumstances of each individual's hiring and corroboration of each individual's professional and industry background, qualifications and IBT-related experience.

Article VIII, Section 11(b) of the *Rules* states, in relevant part, that "[t]he Union or a Local Union as such or the General Executive Board or an Executive Board of a Local Union as such may not endorse or otherwise advance a candidacy, even if all members agree on the endorsement or candidacy."

The Election Officer's investigation found insufficient evidence Article VIII, Section 11(b) of the *Rules* has been violated. While it is true that several of the above-named individuals are members of the Teamsters 4 Teamsters slate, this, without more, does not prove Mr. Buck hired them based on their slate status. The investigation corroborates Mr. Buck's position that individuals of varied and qualified backgrounds were appropriately chosen based on factors relevant to each job: industry background, professional expertise and longevity of membership in the IBT. The protester has failed to present sufficient evidence providing that any of the above-named individuals were hired to affect the delegate and alternate delegate elections.

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In consideration of the foregoing, Mr. Smith's 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

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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, DC 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel
Election Officer

cc: Kenneth Conboy, Election Appeals Master
Dolores C. Hall, Regional Coordinator