

**OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

IN RE: P. BRANDON ROSS,)	Protest Decision 2011 ESD 156
)	Issued: March 8, 2011
Protestor.)	OES Case No. P-110-020211-FW
_____)	

P. Brandon Ross, member of Local Union 150 and candidate for delegate on A Clean Slate, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2010-2011 IBT International Union Delegate and Officer Election (“Rules”). The protest alleged that a retired Teamster member violated the *Rules* by campaigning on behalf of the Teamsters 150 for Change slate.

Election Supervisor representative Rochelle Goffe investigated this protest.

Findings of Fact and Analysis

Ross alleged that on January 31, 2011, he observed Ralph Meredith, a delegate candidate on the Teamsters 150 for Change slate with Bryon Paige, a retired UPS driver, campaigning in the employee parking lot at UPS West Sacramento prior to shift change. Meredith admitted that he has campaigned with Paige a couple of times at that facility, although he maintained that he and Paige were on the sidewalk and not in the parking lot.

Under the *Rules*, members have rights to run for office, make financial contributions to candidates and slates, and engage in other campaign activity, including campaigning in employer parking lots.

In contrast, the rights of non-members – including retirees – are limited. They may make financial contributions to a candidate’s legal and accounting fund under Article XI, Section 1(b)(5). They also may donate services on “personal free time without compensation,” under Article XI, Section 1(b)(10). Such donated services may include leafleting and campaigning.

Only members have the *right* to campaign on employer parking lots under Article VII, Section 12(e). However, the *Rules* neither protect nor prohibit retirees from campaigning there. *Zuckerman*, 2005 ESD 38 (December 15, 2005).

We do not decide here whether Paige campaigned in the parking lot at UPS West Sacramento. But campaigning by a retiree there does not violate the *Rules*. Accordingly, we DENY the protest.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Supervisor in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Ross, 2011 ESD 156
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Kenneth Conboy
Election Appeals Master
Latham & Watkins
885 Third Avenue, Suite 1000
New York, NY 10022
Fax: (212) 751-4864

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1801 K Street, N.W., Suite 421 L, Washington, D.C. 20006, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
2011 ESD 156

Ross, 2011 ESD 156
March 8, 2011

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