

OFFICE OF THE ELECTION ADMINISTRATOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: JOHN LANG,)	Protest Decision 2001 EAD 247
)	Issued: March 20, 2001
Protestor.)	OEA Case No. PR031313SO
_____)	
)	

John L. Lang, Jr., a Local 41 business agent and member, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2000-2001 IBT International Union Delegate and Officer Election (“Rules”). He alleges that the Phil Young-Jim Hoffa Members First slate (the “Young-Hoffa slate”) was denied access to the inside of a glass-enclosed bulletin board that contained campaign postings supporting the Dennis Speak Team (the “Speak slate”).

Election Administrator representative Dolores Hall investigated the protest.

Findings of Fact and Analysis

Doug Duncan, the Local 41 steward at Penske Logistics (“Penske”), admits that Speak requested the posting of campaign materials at Penske. Duncan posted the Speak slate campaign materials on the inside of a glass-enclosed bulletin board provided by Penske to Local 41 for the specific purpose of posting union material. When Penske became aware of this protest, its Safety Director, John Bolerjack, asked Duncan to remove the material, which he did. Bolerjack subsequently spoke with our investigator and has agreed to allow the posting of campaign materials by both slates.

Duncan stated that when this protest was filed, Lang had never requested that his campaign handouts be posted. Duncan has agreed to post campaign flyers from both sides under the glass on the bulletin board as soon as they are received. Lang stated that he would bring to Duncan the campaign material he wished posted and was satisfied that the matter was resolved. Because Speak’s material was removed and destroyed, he was contacted and advised to provide Duncan with whatever campaign material he wished to have posted. He stated he would do so.

Based on the foregoing, we deem this protest RESOLVED.

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 Administrator 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:

Lang, 2001 EAD 247
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Kenneth Conboy
Election Appeals Master
Latham & Watkins
Suite 1000
885 Third Avenue
New York, New York 10022
Fax: 212-751-4864

Copies of the request for hearing must be served upon all other parties, as well as upon the Election Administrator for the International Brotherhood of Teamsters, 727 15th Street NW, Tenth Floor, Washington, DC 20005 (fax: 202-454-1501), all within the time prescribed above. A copy of the protest must accompany the request for hearing.

William A. Wertheimer, Jr.

William A. Wertheimer, Jr.
Election Administrator

cc: Kenneth Conboy
2001 EAD 247

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