

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

IN RE: DAVE RASO,)	Protest Decision 2001 EAD 345
)	Issued: May 4, 2001
)	OEA Case No. PR020816CA
Protestor.)	
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Dave Raso, member of Local Union 938 and candidate for delegate, 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 Purolator Courier impermissibly interfered with his slate’s rights to post campaign literature. We deferred this protest for post-election consideration pursuant to Article XIII, Section 3(b) of the *Rules*.

Election Administrator representative Gwen Randall investigated the protest.

Findings of Fact and Analysis

Raso, candidate on the 938 Members slate, alleges Purolator removed his slate’s postings from a bulletin board at its Downsview facility while allowing literature of the opposing slate to remain. Purolator admits enforcing its policy barring campaign postings, but asserts it did so against both slates without discrimination.

Each candidate for delegate and alternate delegate on the 938 Members slate was elected. Thus, even if Purolator violated the *Rules*, its conduct did not affect the outcome of the election. Accordingly, we DENY this protest. However, we note that Purolator’s conduct continues to be governed by the *Rules*, including the requirement that it refrain from any conduct that improperly discriminates between candidates for International office or interferes with members’ pre-existing rights to post campaign material on bulletin boards. *See* Article VII, Section 11(f).

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:

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

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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 345

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