

OFFICE OF THE ELECTION ADMINISTRATOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: KEITH LAUGHBAUM,) Protest Decision 2001 EAD 403
) Issued: June 28, 2001
Protestor.) OEA Case No. PR060111ME
)

Keith Laughbaum, a member of Local 957 and supporter of General President candidate Tom Leedham, 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*"). Laughbaum alleges that his employer, A.B.F. Freight ("ABF"), has unilaterally decided to prohibit the posting of campaign flyers on bulletin boards where such flyers have been permitted in past elections.

Election Administrator representative Jason Weidenfeld investigated this protest.

Findings of Fact and Analysis

Laughbaum has worked for ABF at its Dayton, Ohio facility for approximately ten years. During this period, he alleges, ABF has consistently allowed the posting of campaign flyers on bulletin boards inside the facility. On May 31, 2001, ABF posted a notice that advised employees:

The posting of any campaign literature for Teamster election is against company policy . . . Posting of any election material on terminal property is not permitted.

Laughbaum claims that ABF removed recent campaign flyers he posted. Although the posted notice states that company policy prohibits election-related postings, the current ABF policy contains an important exception to this position:

The posting of campaign literature on bulletin boards will not be permitted except where we have in the past allowed general purpose items such as thank you notes, for sale items, and flyers from private or charitable organizations, etc., to be posted.

(emphasis added).

There are many bulletin boards at the Dayton facility, which employs approximately 750 to 800 people. Laughbaum has had frequent opportunities to view the boards in the drivers' room. Of these boards, two are company-owned.¹ One board

¹ Some witnesses said that there were two company-owned boards in the drivers' room, while others said there were three. The witnesses agreed, however, that there is one general

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contains company information, including a seniority list and pay rates. The other board contains miscellaneous postings. After checking the board on June 11, Laughbaum informed our investigator of its contents: 15 business cards; notices about vehicles for sale, including cars, trucks, boats, and a motorcycle; notices from people offering their services, including financial planners, an engraver, and a disc jockey; notices informing people about various personal items for sale, including a pool table and speakers; and a pair of restaurant menus.

Leslie Blalock, ABF's industrial relations director for the Dayton facility, told our investigator that company policy generally prohibits the posting of election-related materials, with the exception noted above. Blalock has agreed to have the notice prohibiting campaign material removed immediately from the Dayton facility. He has also confirmed with our representative that ABF will maintain its policy stated above, including allowing the posting of campaign materials on all general purpose bulletin boards where ABF has in the past regularly permitted thank you notes and notices of items for sale. Based on Blalock's representations, 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:

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, N.W., 10th Floor, Washington, D.C. 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
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purpose board and that the other board(s) contained more official information, such as a seniority roster.

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DISTRIBUTION LIST (BY UPS NEXT DAY AIR UNLESS OTHERWISE SPECIFIED):

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