

ELECTION APPEALS MASTER

IN RE:

BILL ZIMMERMAN

01 Elec. App. 080a (KC)

Second Appeal

On September 14, 2001 I affirmed the Election Administrator's remedy imposed in this case upon the International Brotherhood of Teamsters in connection with its publication of the Teamster Leader, and upon Joint Council 39 in connection with its publication of the Wisconsin Teamster.

The relevant part of the remedy required each publication to provide space for a full-page article by the Leedham Slate in the next issue to level the playing field following violations of the Election Rules that gave impermissible coverage to the Hoffa Slate.

Following the formal filing of his decision, its noticed appeal, the hearing on the appeal, and a final decision from me affirming this remedy, the Election Administrator issued a supplemental order requiring each publication to publish a prominent notice on its "top front page" announcing that the International Brotherhood of Teamsters in the one case and Joint Council 39 in the other had violated the Election Rules and improperly assisted the Hoffa Slate.

Such an application of remedy is not a mere ministerial modification or clarification but an enlargement of the benefit to the Leedham Slate. If the Election Administrator thought this to be a necessary component of the remedy to balance the playing field, or a necessary assurance to the rank and file that the Election Administrator is vigilant, then it should have been announced in the initial, formal findings, and the parties given a chance

to address it before me. Indeed, argument about notice content, scope and reach is not an uncommon feature of appeals before me. We cannot allow the orderly process of appeals, many at this time acutely time sensitive, to be undermined.

Under the circumstances of this case, and in the absence of compelling factors arguing for a different result, the “notice” order of the Election Administrator is reversed, and the supplemental remedy is vacated.

Kenneth Conboy
Election Appeals Master

Dated: September 21, 2001