

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: MICHAEL CEOFFE,)	Protest Decision 2006 ESD 118
)	Issued: February 27, 2006
Protestor.)	OES Case Nos. P-06-063-011706-ME
_____)	

Michael Ceoffe, a member of Local Union 249, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2005-2006 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that Ceoffe was singled out at a local union meeting by President Wayne Shatkoff in order to weaken Ceoffe’s political stance, in violation of the *Rules*.

Election Supervisor representative Bill Kane investigated these protests.

Findings of Fact

The protest alleged that following the Local 249 nomination meeting and during the general membership meeting held January 15, 2006, Crystal Water steward Tom Murphy discussed the procedures for complaints about home delivery of Crystal Water. Protestor Ceoffe had previously had problems with the billing for home delivery of his water and had taken his complaints directly to Crystal Water. Murphy called for individuals to take billing complaints to him, as steward; this suggestion was echoed by Local 249 President Wayne Shatkoff.

Shatkoff and Murphy allegedly described in detail the act of one unidentified member who did not take his complaint to the steward, but rather directly to the employer. Coeffe, realizing Murphy and Shatkoff were talking about him, identified himself as the member in question and a heated discussion ensued.

Coeffe alleged that this was a premeditated act by Shatkoff to smear him and adversely affect his bid for delegate. Coeffe had been nominated to run to delegate to the 2006 IBT Convention earlier in the meeting.

All parties agree that the identity of the member with the Crystal Water billing problem was not revealed until Coeffe himself stood up to speak.

Analysis

The *Rules* govern candidate access to membership meetings and the opportunity to campaign during a meeting. Article VII, Section 5 provides the following:

- (3) The Local Union need not allot time for campaigning during any of its meetings. However, if campaigning during such meetings is permitted, the Local Union shall notify all candidates for the positions for which such campaigning will be permitted of the opportunity to speak at least five (5) days prior to the meeting and shall divide the time equally between those candidates (or candidates’ credentialed representatives) who request an opportunity to speak. The order of appearance shall be determined by lot.

(4) A Local Union shall not discriminate or permit discrimination in favor of or against any candidate in conjunction with its meetings or otherwise. This requirement shall apply not only to formal presentations by or on behalf of candidates but also to informal campaign activities, such as, for example, comments on candidates during meetings, literature distribution at meetings, literature distribution tables, etc.

(Emphasis added).

The *Rules* thus set forth campaigning procedures for union meetings which are non-discriminatory and require pre-planning. Opportunities to campaign at any union meeting must be made equally available to all candidates with advanced notice. *Weronke*, P306 (January 31, 1996); *Kapitula*, P1104 (November 22, 1991). Otherwise, any campaigning at union meetings violates the *Rules*. *Wigley*, P668 (April 18, 1996)(disparaging opposition from podium during union meeting constitutes illegal campaigning).

Although Shatkoff and Murphy did not identify Ceoffe as the source of the complaints to Crystal Water during their remarks to the membership, Ceoffe was disparaged when he identified himself as the member whom Shatkoff and Murphy were criticizing. Our investigation provided no evidence that rank and file members of the local union would have known that Ceoffe had been the source of the complaints had Ceoffe himself not stepped forward to volunteer such information. More importantly, we found no evidence that the criticism of the member later self-identified as Ceoffe was because of his delegate candidacy or because of concern about members job security that might follow customer complaints to the employer.

Accordingly, we DENY this 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:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
885 Third Avenue, Suite 1000
New York, New York 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, 1725 K Street, N.W., Suite 1400, Washington, D.C. 20007-5135, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark

Ceoffe, 2006 ESD 118
February 27, 2006

Election Supervisor

cc: Kenneth Conboy
2006 ESD 118

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