

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: FRANK HALSTEAD,)	Protest Decision 2006 ESD 386
)	Issued: October 26, 2006
Protestor.)	OES Case No. P-06-357-101806-HQ
_____)	

Frank Halstead, a member and shop steward from Local Union 572, 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 an employer allowed a Hoffa bumper sticker onto its truck, in violation of the *Rules*.

Election Supervisor representative Steven Newmark investigated this protest.

Findings of Fact and Analysis

Protestor Halstead alleged he saw a Young’s Market truck bearing 2 vertical orange Hoffa stickers. He saw the truck in the Echo Park area of Los Angeles traveling southbound on the I-2 Freeway toward the I-5 Freeway interchange. He was unable to obtain the license plate number or truck number. He stated the stickers, on the back of the truck, appeared somewhat faded, leading him to believe that they had been on the truck for a while.

Article XII, Section 1(b)(2) states in relevant part: “[n]o employer may contribute, or shall be permitted to contribute, directly or indirectly, anything of value, where the purpose, object or foreseeable effect of the contribution is influence, positively or negatively, the election of a candidate. No candidate may accept or use any such contribution.... These prohibitions extend beyond strictly monetary contributions made by an employer and include contributions or use of employer stationery, equipment, facilities and personnel.”

Young’s Market leases the trucks from Penske, Inc. and prohibits drivers from placing campaign stickers on them. Young’s has agreed to vigorously enforce this policy by checking company property, including trucks, for stickers, and reminding drivers of the company’s policy regarding stickers on company property. The protestor has agreed to this resolution.

Accordingly, 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 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:

Halstead, 2006 ESD 386
October 26, 2006

Kenneth Conboy
Election Appeals Master
Latham & Watkins
885 Third Avenue
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. 20006-1416, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
2006 ESD 386

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