

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

**IN RE: JOSEPH DARMENTO,**                    )  
                                                          )  
                                                          )  
**Protestor.**                                    )  
\_\_\_\_\_)                                    OES Case No. P-067-122710-MW

Joseph Darmento, member of Local Union 2727, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2010-2011 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that Local Union 2727 has failed to make postings of notices required by the *Rules* on all worksite bulletin boards.

Election Supervisor representative Joe Childers investigated this protest.

**Findings of Fact and Analysis**

Local Union 2727 represents aircraft mechanics and related craft personnel employed by UPS. The large majority of the membership works in Louisville, Kentucky, although other members are employed in California, Illinois, New Jersey, Georgia, South Carolina, Texas, Pennsylvania, Alaska, and additional locations, for a total of some 92 worksites. Under the approved local union election plan, the local union identified 16 worksite bulletin boards where it could post election-related notices. This protest alleged that the local union failed to post notices required by the *Rules* at the Ontario, California worksite, which is one of the 16 locations at which the local union maintains a bulletin board.

Investigation showed that the local union timely faxed the summary of the local union election plan to the steward at the Ontario worksite in November 2010. However, the steward had been reassigned to Louisville, a fact of which the local union staff responsible for distributing notices apparently was unaware. The notice of nominations meeting was timely mailed to all local union members. But it was not posted at the Ontario location until January 7, 3 days later than the date required by the *Rules*. As this notice was also mailed timely to all members, we find no substantial harm caused by a posting made 3 days late at the Ontario location.

With respect to postings at the satellite worksites, investigation showed that most of these have fewer than 10 members, and few have union stewards. Although UPS’s collective bargaining agreement with the local union specifies that bulletin boards will be provided at all work locations, the union has exclusive control (through a locked, glass-enclosed board) at only the 16 locations identified in the local union election plan. At the remainder of the locations, most of the boards are not locked and enclosed and therefore are not exclusively under the local union’s control; moreover, with few members at these locations, the local union has difficulty achieving postings. To mitigate this difficulty, the local union maintains an informative and password-protected website that it updates frequently. The approved local union election plan is posted to the site, as is other election-related information.

*Darmento*, 2011 ESD 72  
February 2, 2011

Local Union 2727 will conduct its nominations meeting for the delegates and alternate delegates election on January 25, 2011. As indicated, notice of this meeting was mailed timely to every member's home as required by Article II, Section 7(d) of the *Rules*.

The local union has experienced difficulty insuring that notices are posted at satellite locations as required. With respect to those locations, where some 286 members are employed, the local union proposes to mail the required notices to each of these members. We believe that the local union's proposal will effectuate the purpose of the *Rules* in giving requisite notice to all members.

Accordingly, we direct the local union to do as follows: where the *Rules* require the local union to post notices on worksite bulletin boards, it will do so on the 16 boards listed in its local union election plan. For members employed at locations other than those 16 locations, it will mail notices to the members' home addresses instead of posting on bulletin boards there. The mailings are to be performed by the same deadlines as established for the bulletin board postings. Under the approved election schedule, the notices that remain to be posted in this local union are 1) the notice of results of nomination meeting, and 2) the official election tally sheet.

On this basis, 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:

Kenneth Conboy  
Election Appeals Master  
Latham & Watkins  
885 Third Avenue, Suite 1000  
New York, NY 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, 1801 K Street, N.W., Suite 421 L, Washington, D.C. 20006, 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  
2011 ESD 72

*Darmento*, 2011 ESD 72  
February 2, 2011

**DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):**

Bradley T. Raymond, General Counsel  
International Brotherhood of Teamsters  
25 Louisiana Avenue, N.W.  
Washington, D.C. 20001  
braymond@teamster.org

David J. Hoffa  
Hoffa Hall 2011  
1100 Connecticut Avenue, N.W., Ste. 730  
Washington, D.C. 20036  
hoffadav@hotmail.com

Ken Paff  
Teamsters for a Democratic Union  
P.O. Box 10128  
Detroit, MI 48210-0128  
ken@tdu.org

Barbara Harvey  
1394 E. Jefferson Avenue  
Detroit, MI 48207  
blmharvey@sbcglobal.net

Fred Gegare  
P.O. Box 9663  
Green Bay, WI 54308-9663  
kirchmanb@yahoo.com

Scott D. Soldon  
Previant Goldberg  
1555 North RiverCenter Drive, Ste. 202  
P.O. Box 12993  
Milwaukee, WI 53212  
sds@previant.com

Fred Zuckerman, President  
Teamsters Local Union 89  
3813 Taylor Blvd.  
Louisville, KY 40215  
fredzuckerman@aol.com

Robert M. Colone, Esq.  
P.O. Box 272  
Sellersburg, IN 47172-0272  
rmcolone@hotmail.com

Carl Biers  
Box 424, 315 Flatbush Avenue  
Brooklyn, NY 11217  
info@SandyPope2011.org

Julian Gonzalez  
Lewis, Clifton & Nikolaidis, P.C.  
350 Seventh Avenue, Suite 1800  
New York, NY 10001-5013  
jgonzalez@lcnlaw.com

Joseph Darmento  
41665 Corte Higuera  
Temecula, CA 92592  
jjoeyleeve@aol.com

Bob Combine, President  
Teamsters Local Union 2727  
7711 Beulah Church Road  
Louisville, KY 40228  
bob.combine@local2727.org

Joe F. Childers  
Getty & Childers, PLLC  
250 West Main Street, Suite 1900  
Lexington, KY 40507  
childerslaw@yahoo.com

William C. Broberg  
1108 Fincastle Road  
Lexington, KY 40502-1838  
wcbroberg@aol.com

Kathryn Naylor  
Office of the Election Supervisor  
1801 K Street, N.W., Suite 421 L  
Washington, D.C. 20006  
knaylor@ibtvote.org

Jeffrey Ellison  
214 S. Main Street, Ste. 210  
Ann Arbor, MI 48104  
EllisonEsq@aol.com