

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

<b>IN RE: BRIAN NILSON,</b>	)	Protest Decision 2011 ESD 124
	)	Issued: February 21, 2011
<b>Protestor.</b>	)	OES Case No. P-105-012411-GP
_____	)	

Brian Nilson, member of Local Union 631 and delegate candidate, 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 John Phillipenas violated the *Rules* by failing or refusing to supply him the schedule of local union general and craft meetings he requested.

Election Supervisor representative Mary Ann Campbell investigated this protest.

**Findings of Fact and Analysis**

By email sent January 17, 2011, protestor Nilson requested “a schedule of all meetings of Local 631, including any and all meetings that general members are allowed to attend, between now and the date that the delegate election votes will be tallied (i.e., February 28, 2011). This includes all general meetings, special meetings, craft meetings or any other meetings not herein mentioned.” The email requested that the schedule be provided within five business days of the request.

Receiving no response, Nilson filed this protest on January 24.

Article VII, Section 5(a) states that “[n]o candidate may be denied access to any meeting of the Local Union to which he/she belongs as a member.” The ability to exercise the right to attend carries with it the right to know when meetings are scheduled.

Phillipenas told our investigator that he did not respond to Nilson’s email because he did not receive it until he received the protest in this case on February 3, 2011. Phillipenas stated that he had blocked emails from Nilson because a previous email he received from Nilson contained a virus. Phillipenas agreed to provide the requested schedule of meetings to Nilson promptly. He did so the next day, February 4. The list consisted of a general membership meeting scheduled for February 10 and a Cemex craft meeting set for February 27.

On this basis, we deem this protest RESOLVED.

We note that the information Nilson requested was available to him (without the need for a request) on the local union’s website at [www.teamsterslocal631.org](http://www.teamsterslocal631.org) under the “Upcoming Events” tab. In addition, recorded information about upcoming meetings is listed on the local union’s telephone line by pressing ‘8.’

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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 124*

*Nilson*, 2011 ESD 124  
February 21, 2011

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