

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

IN RE: ROBERT HILL,)	Protest Decision 2011 ESD 230
)	Issued: April 22, 2011
Protestor.)	OES Case No. P-251-040811-SO
_____)	

Robert Hill, member of BLET 758, filed a pre-election protest pursuant to Article XIII, Section 2 of the Rules for the 2010-2011 IBT International Union Delegate and Officer Election (“Rules”). The protest alleged that GCA 150 failed to post required notices on worksite bulletin boards under its jurisdiction.

Election Supervisor representative Dolores Hall investigated this protest.

Findings of Fact and Analysis

GCA 150 consists of 45 subordinate divisions located in Wisconsin, Illinois, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Idaho, Montana, Wyoming, Colorado, Washington, Oregon, and Texas. GCA 150 has jurisdiction over the Burlington Northern and Santa Fe railroad and is headquartered in Fort Worth, Texas. Matt Wilson is general chairman of the GCA. Protestor Hill is a member of Division 758 of GCA 150, located in Vancouver, Washington.

GCA 150 is entitled to send four delegates and two alternate delegates to the IBT convention. Its nominations meeting was held in Fort Worth on February 8, 2011.

The protest alleged that the GCA failed to post the required notice of nominations meeting results and notice of election on worksite bulletin boards in Pasco, Washington and Wishram, Washington.

Richard Etienne, local chairman of Division 758 in Vancouver, Washington, told our investigator that he received the notices and posted them timely in Vancouver in February. He stated that, shortly thereafter, he received a notice from Wilson to check the bulletin boards to insure the notices were still posted. He did and found they were gone. He stated he reposted them. Etienne stated that he received a follow-up email from Wilson on April 11, asking that he check the bulletin boards again to insure the notices were still posted. When he did, he found the notices were gone again. Etienne posted the notices yet another time.

Jeff Grimes, local chairman of Division 402 in Pasco, Washington, reported to our investigator that he posted the notices in February. Thereafter, Wilson called in mid-February and told him of Hill’s complaint that the notices were not posted. When he checked, the notices were gone and he reposted them. He stated that he checked on Wednesday, April 6, and they were gone again, so he again reposted them. Grimes stated that in addition to posting the notices as required, he read them to members at the February division meeting.

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Jerry Clark, local chairman of Division 058 in Wishram, Washington, confirmed to our investigator that the election notices were posted in Wishram but acknowledged that they were removed from the bulletin boards from time to time. He said he reposted the notices as necessary. Clark also stated that the election and results of the nominations meeting were discussed at the February division meeting and a literature table has been present at all their division meetings for the placement of campaign material.

Our investigator also contacted every local chairman of every division in Washington and Oregon. Each chairman stated he received the notices of election and results of the nomination meeting, posted the notices, received notification from Wilson in mid-February to check the boards to insure the notices were up, did so, and again received notification from Wilson in early April to check the bulletin boards to insure the notices were still there.

On these facts, we find that GCA 150 complied with the *Rules* by posting notices of election and nominations meeting results and by reposting them as needed. 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, 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
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