

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

IN RE: SANDY POPE,)	Protest Decision 2011 ESD 350
)	Issued: October 26, 2011
Protestor.)	OES Case No. P-348-101311-AT
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)	

The Sandy Pope campaign 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 a Hoffa-Hall 2011 bumper sticker was displayed on a union worksite bulletin board, in violation of the *Rules*.

Election Supervisor representative J. Griffin Morgan investigated this protest.

Findings of Fact and Analysis

The protest alleged that a Hoffa-Hall 2011 campaign bumper sticker and instructions for marking the ballot were posted on union worksite bulletin boards “at companies in Local 701’s jurisdiction, including Point Pleasant Distributors in Wall Township.” A photo included with the protest depicted a close-up of an orange Hoffa-Hall 2011 bumper sticker affixed to a bulletin board with two pushpins. The sticker was posted over and obscured the bottom three inches of an OES notice titled “Watch the IBT International Officer Debate at www.ibtvote.org.”¹ In addition, the sticker obscured the lower left corner of the official Notice of Election, an area approximately 3 by 3.5 inches. The board is open, without a glass or plastic cover.

No additional evidence was produced. In particular, no evidence was presented that a flyer containing instructions for marking a ballot for the Hoffa-Hall 2011 slate was posted on the union bulletin board at Point Pleasant Distributors. Further, no evidence was presented that union worksite bulletin boards at employers other than Point Pleasant contained impermissible postings.

Ron Lake, secretary-treasurer of Local Union 701, told our investigator on October 14 that when he received the protest on October 13, he phoned the steward at Point Pleasant. According to Lake, the steward denied posting the bumper sticker on the union board and said that the sticker was no longer on the board. Lake stated further that, to his knowledge, supporters of Hoffa-Hall 2011 had not campaigned at Point Pleasant. Photos taken October 14 showed that the board was free of campaign material.

Based on the photo that accompanied the protest, we find that a campaign sticker was affixed to a union worksite bulletin board. Accordingly, we GRANT the protest.

We further find that the sticker was removed the same day the protest was filed. Accordingly, we limit the remedy to an order that Hoffa-Hall 2011 and its supporters cease and desist from posting campaign material on union worksite bulletin boards.

¹ Completely covered on this notice was the following: “This is an official notice prepared and approved by Richard W. Mark, Election Supervisor for the International Brotherhood of Teamsters. It must remain posted through November 14, 2011 and must not be defaced or covered up.”

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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
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DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):

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