

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

IN RE: HOFFA-HALL 2016,)	Protest Decision 2015 ESD 31
)	Issued: August 30, 2015
Protestor.)	OES Case No. P-036-081815-ME
_____)	

Hoffa-Hall 2016 filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2015-2016 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that supporters of Teamsters United violated the *Rules* by affixing campaign stickers to union and public utility property.

Election Supervisor representative Dan Walsh investigated this protest.

Findings of Fact and Analysis

On August 17, 2015, three men were observed posting “pole” stickers (bumper stickers intended for posting on a vertical surface such as a fence post or utility pole rather than a horizontal surface such as a car bumper) on posts and poles in the immediate vicinity of the Local Union 20 hall on South Hawley Street in Toledo, OH. The stickers they posted advocated support for Tim Sylvester, candidate for IBT General President on the Teamsters United slate:



The stickers were affixed to public utility poles and to fence posts. Thus, one sticker was posted on a wooden pole that suspended electrical wires and also held a speed limit sign. Another was posted on a metal pole that supported a street lamp.

In addition to these, several were affixed to posts that supported the chain link fencing around Local Union 20’s parking lot. Pole stickers were on the posts that formed the gate to that lot as well as on a corner post that faced the street. On instruction from our investigator, the stickers affixed to the union fencing were removed on August 19 by the local union’s custodian.

Teamsters United sells the Sylvester stickers to Teamster members and retirees on its website. One witness observed the men who posted the stickers. According to that witness, the men wore blue Teamsters United t-shirts. Our investigation did not reveal the identity of the men.

The *Rules* prohibit posting of campaign stickers on union property. *Black*, 2001 ESD 338 (May 1, 2001). Use of union fixtures for a campaign display also violates the provision of Article VII, Section 12(c) barring use of “Union ... facilities ... to assist in campaigning.” Further, display of the stickers on local property violates Article XI, Section 1(a)(3), which prohibits a candidate from receiving campaign assistance from a union. In addition, the *Rules* protect the right of members not to be involved in union politics if that is their decision, and use of the local hall or other union-owned fixtures to display one side’s campaign materials interferes with the rights under Article VII, Section 12(a) of all members of that local union who disagree or wish to remain uninvolved. Finally, affixing difficult-to-remove adhesive stickers to smooth surfaces such as metal fence posts constitutes vandalism. *Willett*, P863 (August 16, 1996).

With respect to the posting of stickers on public utility poles, the *Rules* neither protect nor prohibit this activity. *Black, supra*; see also *Meadows*, P877 (August 27, 1996), citing *Braga*, P795 (June 19, 1996). As such, individuals do not have a right under the *Rules* to affix campaign stickers to such objects. Equally, individuals who remove or deface campaign stickers posted on such objects do not violate the *Rules*.

Accordingly, we GRANT the protest as it relates to the stickers posted on union property and DENY it in all other respects.

Remedy

When the Election Supervisor determines that the *Rules* have been violated, he “may take whatever remedial action is deemed appropriate.” Article XIII, Section 4. In fashioning the appropriate remedy, the Election Supervisor views the nature and seriousness of the violation as well as its potential for interfering with the election process. “The Election Supervisor’s discretion in fashioning an appropriate remedy is broad and is entitled to deference.” *Hailstone & Martinez*, 10 EAM 7 (September 14, 2010).

We direct Teamsters United to take appropriate steps to insure that its supporters do not use union facilities to post campaign material in violation of the *Rules*. *Leedham Slate*, 2006 ESD 301 (July 5, 2006).

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:

Kathleen A. Roberts
Election Appeals Master
JAMS

Hoffa-Hall 2016, 2015 ESD 31
August 30, 2015

620 Eighth Avenue, 34th floor
New York, NY 10018
kroberts@jamsadr.com

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, 1050 17th Street, N.W., Suite 375, Washington, D.C. 20036, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kathleen A. Roberts
2015 ESD 31

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