

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

|                              |   |                               |
|------------------------------|---|-------------------------------|
| <b>IN RE: GRANT COLEMAN,</b> | ) | Protest Decision 2016 ESD 298 |
|                              | ) | Issued: October 4, 2016       |
| <b>Protestor.</b>            | ) | OES Case No. P-350-081916-CA  |
| <hr/>                        |   |                               |

Grant Coleman, member and business representative of Local Union 31 in Vancouver, BC, 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 UPS violated the *Rules* by prohibiting the posting of campaign material on union bulletin boards at UPS facilities.

Election Supervisor representative Jack Sullens investigated this protest.

**Findings of Fact and Analysis**

On August 18, 2016, protestor Coleman emailed Dina Macera, UPS labour relations official, to inquire as to UPS’s “stance on posting election material on our union boards as we’ve had issues in the past.” The company replied that “[o]ur position has been and will continue to be that campaign material that is generic that indicates an election is in process, the dates, how to vote are fine. However, any candidate specific material will be removed.”

Coleman filed this protest, asserting that UPS’s position violated Article VII, Section 12(d) of the *Rules*, which declares that “[n]o restrictions shall be placed upon candidates’ or members’ preexisting rights to use employer or Union bulletin boards for campaign publicity. Similarly, no restrictions shall be placed upon candidates’ or members’ preexisting rights to solicit support, distribute leaflets or literature, conduct campaign rallies, hold fund-raising events, or engage in similar activities on employer or Union premises. Such facilities and opportunities shall be made available to all candidates and members on a non-discriminatory basis.”

Investigation showed that campaign literature has never been permitted on union bulletin boards in UPS facilities in Canada. Further, the union proposed during the most recent contract negotiations that posting of such material on union bulletin boards be permitted, but the company rejected the proposal and the union subsequently withdrew it. On these facts, we find no “preexisting right” to use the union worksite bulletin boards at UPS facilities in Canada for campaign publicity.

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:

Kathleen A. Roberts  
Election Appeals Master  
JAMS  
620 Eighth Avenue, 34<sup>th</sup> floor

***Coleman***, 2016 ESD 298  
October 4, 2016

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 17<sup>th</sup> 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  
*2016 ESD 298*

*Coleman*, 2016 ESD 298

October 4, 2016

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