

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: TEAMSTERS UNITED,)	Protest Decision 2016 ESD 323
)	Issued: November 2, 2016
Protestor.)	OES Case No. P-403-102616-FW
_____)	

Teamsters United 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 Marty Frates, Local Union 70, Hoffa-Hall 2016, and UPS violated the *Rules* by posting or permitting the posting of partisan campaign material on employer premises.

Election Supervisor representative Deborah Schaaf investigated this protest.

Findings of Fact and Analysis

The campaign material at issue was a one-page, single-spaced, all caps flyer on mint-green paper titled “RE-ELECT HOFFA/HALL SLATE 2016.” It was posted inside a glass-covered case affixed to the exterior of a guard station at the UPS customer service center on Pardee Drive in Oakland, CA. The flyer was signed by Marty Frates, principal officer of Local Union 70, which has jurisdiction over that facility.

After the protest was received on October 26, our investigator contacted Frates, who stated he was unaware the flyer was posted but agreed to have it taken down promptly. The flyer was removed on October 27, a fact confirmed by the person who took the photos that were attached to the protest. That person further stated that he was not aware of any other partisan material posted on the employer’s premises at that location.

We have held the posting of campaign material on employer property to be an improper endorsement of a candidate by an employer. *Hoffa-Hall 2016*, 2016 ESD 64 (January 8, 2016). However, the prompt removal of the improper endorsement has often been held sufficient remedy for the protest. *Id.* See also, *Halstead*, 2006 ESD 386 (October 26, 2006); *Wright*, 2006 ESD 361 (October 2, 2006); *Leedham Slate*, 2006 ESD 301 (July 5, 2006); *Halstead*, 2005 ESD 31 (June 6, 2005); *Domeny*, 2001 EAD 499 (October 5, 2001); *Speak*, 2001 EAD 239 (March 14, 2001).

Given the prompt removal of the flyer, we deem this protest RESOLVED.

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

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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
2016 ESD 323

Teamsters United, 2016 ESD 323

November 2, 2016

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