



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H Holland
Election Officer

Chicago Office
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

December 18, 1990

VIA UPS OVERNIGHT

Dennis K. Jones
6716 Poppy Drive
Little Rock, AK 72209

Billy Patrick
President
IBT Local Union 878
6000 Patterson
Little Rock, AK 72209

Re: Election Office Case No. P-085-LU-878-SOU

Gentlemen:

A pre-election protest was filed under Article XI, §1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). Mr. Jones protests the adequacy of the notice given to Local 878 members of the nominations meeting and election of delegates and alternate delegates.

Mr. Jones alleges that on two dates in early December, 1990, while he was collecting signatures for Ron Carey, he asked the persons who signed his petition if they had received copies of the "Voice of 878", the Local Union's publication which contained the nomination and election notice. Mr. Jones alleges that approximately 27 percent of the 114 people who signed his petition indicated that they had not received a copy. Mr. Jones also alleges that there was no notice on any Union bulletin board regarding the nomination and election of International Union Convention delegates and alternate delegates.

The Election Officer's investigation determined that the November 13, 1990 edition of "Voice of 878", the edition containing the nomination and election notice, was mailed by an independent mail house. While Local 878 supplied the mailing labels to such mailing house, there is no indication that labels were supplied for fewer than the entirety of the Local 878 membership. The Election Officer's investigation uncovered no evidence indicating that the mail house mailed to fewer than the number of members for whom Local 878 supplied mailing labels.

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The Election Officer's investigation determined that as of the date on which the notices were mailed, 7.6 percent of the addresses for Local 878's 4,891 members were incorrect. While this percentage is not insignificant, Local Union 878 has taken reasonable steps to attempt to obtain correct addresses for all of its members. For example, when mailing the "Voice of 878" edition containing the notices, Local 878 asked the U.S. Postal Service to provide it with corrected addresses for all members whose mailing labels proved incorrect. Local 878 remailed the "Voice of 878" to all members for whom it received corrected addresses from the Post Office.

Local 878 did not receive from the Election Office its Local Union Election Plan Summary until December 2, 1990. The absence of such posting on December 5, 1990, the date of the instant protest, is not violative of the Rules. Rules, Article II, §4. The Local Union Election Plan Summary, although it was posted after December 5, 1990 would have provided additional notice to Local 878 members of the dates, times and places of the delegate and alternate delegate nomination and election.

Based on the foregoing the Election Officer determines that there has been no violation of the Rules by Local Union 878 with respect to notifying its members of the delegate and alternate delegate nomination and election.

Regardless of the foregoing, however, the number of incorrect addresses for Local Union 878 members is not insignificant when compared to other IBT Locals. The election in this case is to be by mail ballot. While use of a mail ballot will give additional notice to Local 878 members of the election process, neither such additional notice nor the ballots themselves will reach the members if addresses are not corrected. Therefore, in order to insure that all possible steps are taken to obtain correct addresses, to enable all Local 878 members wishing to participate in the delegate election process to do so, the Election Officer will direct Local Union 878 to post on all Local Union bulletin boards, within 7 days of the Local's receipt of this decision, the attached notice. Within 10 days thereafter, Local Union 878 shall certify to the Election Officer that the postings have been accomplished.

If any person is not satisfied with this determination, he may request a hearing before the Administrator within twenty-four (24) hours of his receipt of this letter. Such request shall be made in writing and shall be served on Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, N.J. 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above as well as upon

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the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D.C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing. The parties are reminded that absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal.

Very truly yours


Michael H. Holland

MHH/BJH/sst

cc: Mr. Frederick B. Lacey
Larry R. Daves, Regional Coordinator

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NOTICE TO IBT MEMBERS

Local Union 878 will be conducting its election of 1991 IBT International Convention delegates and alternate delegates by mail ballot. The ballots will be mailed to Local 878 members on or about January 15, 1991 by the Office of the Election Officer.

In order for you to receive a ballot, and participate in the election process, Local 878 must have your correct address. All members are urgently requested to immediately supply the Local with corrected addresses. (Failure to receive your copy of "Voice of 878" indicates that the Local does not now have your correct address)

Your cooperation and the cooperation of all Local Union 878 members is greatly appreciated.

Ramona Robison, Secretary-Treasurer

This is an official notice and must remain posted for thirty (30) consecutive days from the day of posting, and must not be altered, defaced, or covered by any other material.