



OFFICE OF THE ELECTION OFFICER
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November 15, 1991

VIA UPS OVERNIGHT

Chris Scott
R. V. Durham Unity Team
508 Third Street, N.E.
Washington, D.C. 20003

Victor C. Olivadoti
President
IBT Local Union 182
5 Rutger Park
Utica, NY 13501

Everett L. Campbell
Secretary-Treasurer
IBT Local Union 317
566 Spencer Street
Syracuse, NY 13208-0037

Re: Election Office Case No. P-1069-LU182/317-PGH

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Chris Scott of the R. V. Durham Unity Team campaign on behalf of IBT Local Union 317 located in Syracuse, New York. Local 317's Secretary-Treasurer Everett L. Campbell alleges that IBT Local 182, located in Utica, New York, violated the *Rules* when it obtained a copy of Local 317's membership list. The protest was investigated by Regional Coordinator William Kane.

Everett L. Campbell, Secretary-Treasurer of IBT Local 317, has had a longstanding dispute with IBT Local 182 and particularly with Local Union 182's Secretary-Treasurer Terence F. Majka concerning the employees of the New York State Teamsters Council Health and Hospital Fund ("*the Fund*"). Local Union 182 represents the employees of the Fund. Everett L. Campbell is one of the Union Trustees of the Fund. Local Union 182 has been unable to negotiate a collective bargaining agreement for these employees, and Mr. Majka blames Mr. Campbell (and the other Trustees) for the failure to reach agreement. Mr. Campbell believes that Mr. Majka is going to send a letter to the members of IBT Local 317 criticizing Mr. Campbell for taking anti-union positions in these collective bargaining negotiations.

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In addition, Mr. Campbell supports the R. V. Durham Unity Team and alleges that Mr. Majka supports the Shea-Ligurotis Action Team.

Mr. Campbell alleges that Mr. Majka obtained a membership list for Local 317's members from the Shea-Ligurotis campaign and intends to use that list to send a letter which has nothing to do with the IBT International Union election, i.e., criticizes Mr. Campbell for taking hard-line positions in the negotiations with Local 182 concerning the Fund's employees. Mr. Campbell alleges that this would be an improper use of the mailing list in violation of the *Rules*. See *Rules*, Article VIII, § 2(a).

The investigation conducted by the Regional Coordinator focused on the source of the alleged membership list, which was the basis for the protest. There is no evidence that Local 182 or Mr. Majka obtained a membership list for Local Union 317's members from the Shea-Ligurotis Action Team, any candidates on the Action Team slate, or any other International Union officer candidate. The sources for the list of names and addresses of Local 317's members in the possession of Local 182 are the following: (1) members of former Local Union 316 which merged into Local Union 317 have provided information to Local 182; (2) Local 317's members employed at certain employers have provided information to Local 182; and (3) Local 182 has obtained various seniority lists for employers within Local 317's jurisdiction.

In view of the foregoing, the Election Officer concludes that no violation of the *Rules* occurred; there is no evidence to support a conclusion that a membership list provided by the Election Officer pursuant to Article VIII, § 2(a) of the *Rules* was involved. For these reasons, the Election Officer DENIES the protest.

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

Very truly yours,


Michael H. Holland

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MHH/mjv

cc: Frederick B. Lacey, Independent Administrator

William B. Kane, Regional Coordinator

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