



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H. Holland
Election Officer

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November 20, 1991

VIA UPS OVERNIGHT

John P. Amodio
Vice President/B.A.
IBT Local Union 182
5 Rutger Park
Utica, NY 13501

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-1073-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 John P. Amodio, Vice President and Business Agent of Local Union 182. Mr. Amodio alleges that on November 10, 1991 he received information from a member of Local Union 317 stating that Everett Campbell, President of Local 317, had removed campaign literature for Victor Olivadoti, a candidate for International office and President of Local 182, and replaced it with literature for the R. V. Durham Unity Team. This protest was investigated by Regional Coordinator William B. Kane.

Mr. Amodio, the protestor, had no direct knowledge of the facts in support of his protest, but referred Mr. Kane to Edward F. Roberts, Jr. Mr. Roberts is presently a member of Local Union 317, although he had previously been a member of Local 182. He is employed as a driver for New Penn Motor Express assigned to the company's Syracuse, New York terminal. Local Union 317 represents the IBT members employed at that terminal.

Mr. Roberts posted campaign literature for Victor Olivadoti, a candidate for International Vice President on the Shea-Ligurotis Action Team, on the bulletin board at the Syracuse,

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New York terminal of New Penn Motor Express. On November 7, 1991 the Olivadoti campaign material had been removed from the bulletin board; Mr. Robert's has no knowledge of the identity of the person who had removed the material. Campaign material for another candidate or candidates had been posted on the bulletin board; Mr. Roberts could not recall which candidates this campaign material concerned.

Article VIII, §10(d) permits all members to utilize bulletin boards at their worksites - consistent with substantive law and prior practice -- for the posting of campaign material. The removal or defacement of properly posted campaign literature is a serious violation of the *Rules*. Clearly, the campaign material posted by Mr. Roberts on behalf of Mr. Olivadoti was removed. However, there is no evidence as to the identity of individual who removed the campaign literature. Mr. Roberts did not know who removed the leaflet; the Election Officer's investigation could not uncover the identity of the person who removed the literature. Accordingly, the protest is DENIED.

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

MHH/ca

cc: Frederick B. Lacey, Independent Administrator

William B. Kane, Regional Coordinator (by Hand Delivery)

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