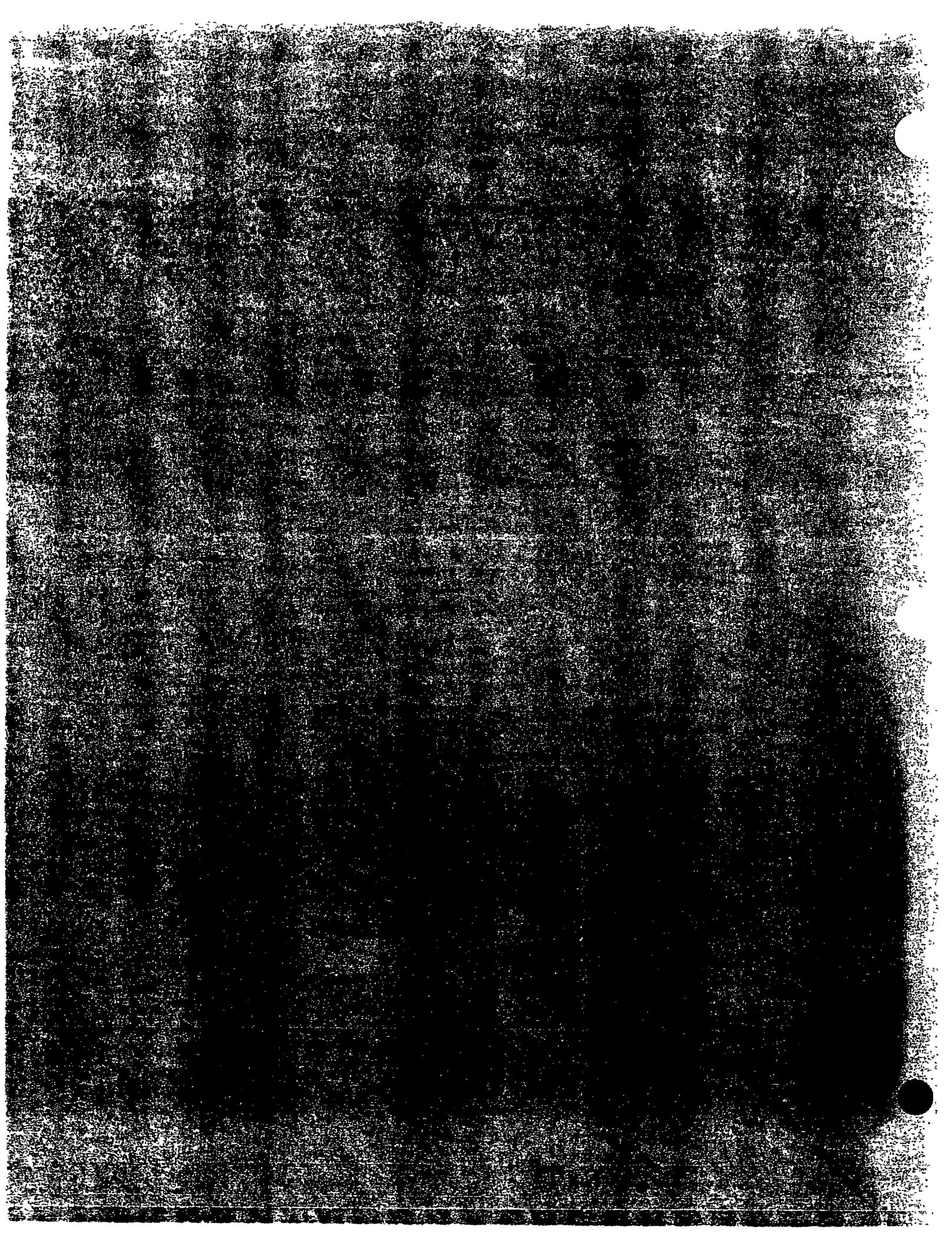

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H. Holland
Election Officer

(202) 624-8778
1-800-828-6496
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March 17, 1992

VIA UPS OVERNIGHT

Daniel Hanners
1641 Pershin Avenue
Rockford, IL 61109

Jack Jacobs
c/o IBT Local Union 722
344 North 30th Road
La Salle, IL 61301

Gerald F. Reilly, President
IBT Local Union 722
344 North 30th Road
La Salle, IL 61301

Re: Election Office Case No. P-1153-LU722-SCE

Gentlemen:

A protest was filed pursuant to the ***Rules for the IBT International Union Delegate and Officer Election***, revised August 1, 1990 ("***Rules***") by Daniel Hanners, a member of IBT Local Union 722. A copy of the protest is enclosed.[1] Mr. Hanners alleges that his business agent, Jack Jacobs, discriminatorily refused to request a union leave for him from his employer, Consolidated Freight, to enable Mr. Hanners to attend the Joint Area Conference on March 6 and 7, 1992. Mr. Hanners claims that as a result, he was not permitted by his employer to "float" during the period of his absence, causing him to be denied work opportunities he would have had if he had been permitted to "float" during the time he was absent to attend the Joint Area Conference. See, Election Office Case Nos. P-820-LU722-SCE and P-830-LU722-SCE, affirmed, 91 Elec. App. 186(SA). The protest was investigated by Election Office Regional Coordinator Peggy A. Hillman.

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[1] The protest, while heretofore not formally acknowledged by the Election Officer, was received by him on March 12, 1992. The Office of the Election Officer was able to complete the investigation of this protest prior to the time that the protest was formally acknowledged; accordingly, this letter serves both as the acknowledgement and decision of the protest.

Mr. Hanners is a member of IBT Local Union 722, and is a steward for Local Union 722 members employed by his employer, Consolidated Freight. Mr. Hanners was a successful candidate for delegate to the 1991 International Union Convention from Local Union 722, elected to that position on a slate supporting the candidacy of Ron Carey for IBT General President. He and his slate were opposed by a slate headed by the present officers of Local Union 722, whom Mr. Hanners and the other members of his slate are presenting opposing for Local Union office in an election to be conducted in the fall of 1992. The business agent responsible for Local Union 722 members employed by Consolidated Freight, Jack Jacobs, ran as a member of the unsuccessful 1991 IBT International Union Convention delegate slate, and will apparently seek re-election as a Local Union 722 business agent in opposition to Mr. Hanners' coalition.

On or before March 6, 1992, Mr. Hanners asked his business agent, Mr. Jacobs, to obtain for Mr. Hanners a union leave from Consolidated Freight to enable Mr. Hanners to attend the March 6th and 7th Joint Area Conference considering grievances arising at the Consolidated Freight facility at which Mr. Hanners worked. Mr. Hanners claims that he was entitled to attend that meeting on union leave because both he personally and other Local Union 722 members for whom he was a steward had grievances which were to be heard by the Joint Area Conference. Mr. Hanners further contends that Mr. Jacobs knew or should have known that he, Mr. Jacobs, was obligated to request a union leave for Mr. Hanners by reason of the Election Officer's decision in Election Office Case Nos. P-820-LU722-SCE and P-830-LU722-SCE, as affirmed by the Independent Administrator in 91 Elec. App. 186(SA).

Mr. Hanners claims that on March 6, 1992, Mr. Jacobs told him that no union leave would be requested for Mr. Hanners because of Mr. Hanners' candidacy in the forthcoming Local Union officer election. Mr. Hanners admits that Mr. Jacobs' current animus, if any, against Mr. Hanners stems from the forthcoming Local Union officer election. An additional "illegal" motivation for Mr. Jacobs' actions, according to Mr. Hanners, are Mr. Jacobs efforts to accommodate Mr. Hanners' employer, Consolidated Freight; Mr. Hanners claims that more union grievances are won when he and other members of his intra-union political coalition are present at the Joint Area Conference meetings.

The jurisdiction of the Election Officer is limited under the March, 1989 Consent Order and the ***Rules*** to the International Union Officer election process. Accordingly, with respect to alleged retaliation against IBT members, the Election Officer's jurisdiction is limited to rectifying retaliatory acts

motivated by IBT members' participation, or lack of participation, in that process. The Election Officer has no jurisdiction with respect to any other matters, including any acts of retaliation motivated by other concerns.

According to Mr. Hanners' own statements, Mr. Jacobs refusal to request a union leave for Mr. Hanners was motivated by matters other than Mr. Hanners' participation in any of the processes leading to the certification of the 1991 IBT International Union Officer election results. According to Mr. Hanners, Mr. Jacobs refused to request union leave for Mr. Hanners because of Mr. Hanners' candidacy for Local Union office and/or in an effort to accommodate Mr. Hanners' employer. Whether or not Mr. Jacobs's refusal to request union leave for Mr. Hanners on these alleged bases was wrongful, the matter is beyond the Election Officer's jurisdiction.

According to Mr. Hanners himself, Mr. Jacobs' motivation was not Mr. Hanners' participation in the 1991 IBT International Union Officer election processes and, thus, the Election Officer has no jurisdiction to rectify the conduct alleged in the protest, regardless of the alleged wrongful nature of such conduct. On this basis, the instant 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/kpm

cc: Frederick B. Lacey, Independent Administrator, IBT
Peggy A. Hillman, Election Office Regional Coordinator