

October 31, 1996

**VIA UPS OVERNIGHT & U.S. EXPRESS MAIL**

Tom McGinley  
34 Bellevue  
Bellevue, NJ 07109

ABF Freight Systems  
9 Route 46, E.  
Pine Brook, NJ 07058

John Dale, Vice President  
Labor Relations  
ABF Freight Systems  
P.O. Box 10048  
Ft. Smith, AR 72917

Bradley T. Raymond  
Finkel, Whitefield, Selik, Raymond,  
Ferrara & Feldman, P.C.  
32300 Northwestern Highway, Suite 200  
Farmington Hills, MI 48334

**Re: Election Office Case No. P-1083-LU560-PNJ**

Gentlemen:

Tom McGinley, a member of Local Union 560, filed a pre-election protest pursuant to Article XIV, Section 2(b) of the ***Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")*** alleging that the Carey campaign used an employer resource to support its campaign. In particular, Mr. McGinley alleges that the Carey campaign posted a campaign bumper sticker inside one of the urinals at the Wayne, New Jersey ABF work site where both IBT members and the general public could see it. Mr. McGinley states that the bumper sticker was up for at least a week and a half and that the employer had not removed it at the time of the filing of the protest.

The employer responds that it instructed the contract cleaning crew to remove the campaign sticker.

Regional Coordinator Peter V. Marks, Sr. investigated this protest.

The investigation revealed that a Carey campaign bumper sticker was pasted to the inside of a urinal in the men's bathroom at ABF in Pine Brook, New Jersey. The protester states that the bumper sticker was pasted in the urinal approximately around October 6, 1996, and that it was still there a week and a half later.

The terminal manager at ABF, Steve Pappas, confirms that the sticker was still inside the urinal on October 17, 1996, and states that he instructed the contract cleaning service to remove

it. He further states that company policy does not permit the posting of stickers in the facility.

The men's room is open to employees and any visitors to the facility. The investigation did not reveal who placed the sticker in the urinal. There is no evidence that the Carey campaign was involved in pasting the Carey sticker in a urinal.

In Willett, P-863-LU331-PNJ (August 16, 1996), the Election Officer found that affixing campaign bumper stickers to the exterior of a local union hall was vandalism. This case also involves vandalism by an unknown person. In Willett, as in this matter, the material was removed. Removal ends any potential impact of the improper campaigning.

In view of the unknown identity of the vandal in this matter, and in view of ABF's removal of the sticker, the protest is DENIED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one day of 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:

Kenneth Conboy, Esq.  
Latham & Watkins  
885 Third Avenue, Suite 1000  
New York, NY 10022  
Fax (212) 751-4864

Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 N. Capitol Street, Suite 855, Washington, DC 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel  
Election Officer

cc: Kenneth Conboy, Election Appeals Master  
Peter V. Marks, Sr., Regional Coordinator