

November 11, 1996

VIA UPS OVERNIGHT & U.S. EXPRESS MAIL

Phillip Mullins
P.O. Box 175
Grapevine, TX 76099

Steven Watson
8201 Mandeville Lane
Apt. 405
Dallas, TX 75231

Airborne Express
1530 W. 18th Street
Dallas-FW Airport, TX 76261

James Buck, Trustee
Teamsters Local Union 745
1007 Jonelle Street
Dallas, TX 75217

William Boe, Director of Labor Relations
Airborne Express
3101 Western Avenue
Seattle, WA 98121

Ron Carey Campaign
c/o Nathaniel Charny
Cohen, Weiss & Simon
330 W. 42nd Street
New York, NY 10036

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

**Re: Election Office Case Nos. P-1117-LU743-SOU
P-1138-LU743-SOU**

Gentlemen:

Phillip Mullins and Steven Watson, members of Local Union 745, filed pre-election protests pursuant to Article XIV, Section 2(b) of *the Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")*. In P-1117-LU743-SOU, Mr. Mullins, an employee of Airborne Express ("Airborne" or "employer") at its Dallas/Fort Worth station alleges that Airborne has allowed employees to wear paraphernalia in support of James P. Hoffa, including hats and shirts, but when employees wore similar paraphernalia in support of Ron Carey, Airborne supervisors restricted all employees to wearing only one button in support of their respective candidates. In P-1138-LU743-SOU, Mr. Watson makes similar allegations regarding the conduct of Airborne at the North Dallas facility. Because these protests involve the same employer and involve similar allegations, they were consolidated by the Election Officer.

Jim Prestage, regional services manager for Airborne's southern region, responds that employees working on the docks at its Dallas area facilities are provided with uniforms. Other than a button, Airborne does not permit the wearing of campaign paraphernalia with a uniform.

These protests were investigated by Regional Coordinator Dolores C. Hall.

The investigation revealed that during the current election campaign, dockworkers and office clericals at the Dallas area facilities of Airborne have been permitted to wear hats and shirts supporting Mr. Hoffa. After the trusteeship was instituted by the IBT over Local Union 745, some supporters of Mr. Carey began wearing shirts and hats to work supporting Mr. Carey.¹ At the facilities where the protesters work, Airborne management then instituted a policy prohibiting the wearing of any Teamster or campaign apparel.

In the *Advisory on Wearing of Campaign Buttons and Other Emblems* ("Advisory"), the Election Officer stated as follows:

The *Rules*, at Article VIII, Section 11(d), also provide that "no restrictions shall be placed upon candidates' or members' preexisting rights to solicit support, distribute leaflets or literature, conduct campaign rallies, hold fund-raising events or engage in similar activities on employer or Union premises." Among the rights so protected by the *Rules* is the right of IBT members to wear campaign emblems on buttons, t-shirts or hats while working . . .

However, a member's right to wear campaign emblems, including buttons, t-shirts and hats, while on work time may be circumscribed by the member's employer or the public at large. The employer may prevent the wearing of campaign emblems only where the prohibition is necessary to maintain production and discipline, safety, or preventing the alienation of customers. The basis for these limited exceptions is the right of the employer to prevent unrelated third parties from inappropriately assuming that the employer supports the political or campaign position advocated by the employee or the employee's emblem . . .

¹On August 21, 1996, the IBT placed Local Union 745 under trusteeship. Appointed Trustee James Buck took possession of the local union on August 22, 1996.

After discussions with a representative of the Election Officer, William Boe, director of labor relations at Airborne, has agreed to allow all dockmen and office employees in its Dallas area facilities to wear campaign hats and shirts between now and the end of the election period.² Airborne has made this agreement with the following express stipulation: "Provided, however, this shall not constitute an admission on our part that such a pre-existing right exists."

The Election Officer finds that the resolution agreed to by Airborne effectuates the purposes of the *Rules*.

Accordingly, these protests are RESOLVED.

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
Dolores C. Hall, Regional Coordinator

²The Dallas area facilities include Dallas/Fort Worth, North Dallas and Plano. The election period ends on December 10, 1996, when the ballots are counted.

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