

November 15, 1996

VIA UPS OVERNIGHT

Tom Feeley
34-21 Review Avenue
Long Island City, NY 11101

Louis Calemine
2058 Homecrest Avenue
Brooklyn, NY 11229

Thomas Puccio, Trustee
Teamsters Local Union 295
435 Hudson Street, 4th Floor
New York, NY 10014

George Heino, Operations Manager
Airborne Express
JFK International Airport
Building 78, Suite 200
N. Boundary Road
Jamaica, NY 11430

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

Nathaniel K. 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 No. P-1139-LU807-NYC

Gentlemen:

Tom Feeley, a member of Local Union 804, 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")* against Airborne Express ("Airborne" or "employer"). The protester alleges that George Heino, operations manager of the Airborne facility at John F. Kennedy Airport ("JFK"), denied parking lot access to himself and others on October 22, 1996. It is further alleged that Airborne discriminated in favor of James P. Hoffa, a candidate for general president, by previously allowing Mr. Hoffa and his supporters access to the parking lot.

Mr. Heino responds that he enforces a policy of restricting access to the JFK facility parking lot to all campaigners, regardless of their political preference. He admits he denied access to the protester. According to Mr. Heino, he observed the protesters canvassing the parking lot leaving campaign leaflets under the wiper blades of employee automobiles. Mr. Heino further maintains that Mr. Hoffa has never visited the JFK facility. The Hoffa campaign says it has no knowledge of this incident.

New York City Protest Coordinator Barbara C. Deinhardt investigated this protest.

Article VIII, Section 11(e) of the *Rules* creates a limited right-of-access to IBT members and candidates to distribute literature and seek support for their campaign in any parking lot used by union members to park their vehicles in connection with their employment. While “presumptively available,” this right is not without limitations. It is not available to any employee on working time, and candidates and their supporters cannot solicit or campaign to employees who are on working time. It is also restricted to campaigning that will not materially interfere with an employer’s normal business activities. The Election Officer has previously found that parking lot access does not give campaigners a right to place campaign literature on vehicles. See Terrazas, P-914-LU63-CLA (September 11, 1996).

Airborne has agreed that it will permit campaigning in its employee parking lots at the JFK facility, in accordance with the *Rules*, on the terms it previously agreed to in Murphy, P-663-LU122-ENG, P-759-LU122-ENG (May 9, 1996), aff’d, 96 - Elec. App. - 190 (May 16, 1996). Those terms are that the number of campaigners not exceed five people at any given time; that the campaigners provide reasonable notice to the local manager, stating the place and time of the visit; that the campaigners provide proper identification; that the activity is confined to the parking lot; and that the campaigners not interfere with Airborne’s operations.

As to the protester’s allegations of discrimination, the protester has provided no evidence that Airborne has permitted campaigners supporting Mr. Hoffa access to the parking lot or the opportunity to leave literature on employee vehicles.

Accordingly, this protest is RESOLVED as to access to the parking lot and DENIED in all other respects.

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:

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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
Barbara C. Deinhardt, New York City Protest Coordinator