

November 14, 1996

VIA UPS OVERNIGHT

Colin Jette
8250 Amberwood Place
Burnaby, BC V5A 3V2

Gary McKenzie, Plan Administrator
Teamsters Local 31-Transport, Health
and Welfare Trust Plan
4664 Lougheed Highway, Suite 170
Burnaby, BC V5C 5T5

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

Garnet Zimmerman, President
Teamsters Local Union 31
1 Grosvenor Square
Delta, BC V3M 5S1

Tom Baldwin, President
Teamsters Local Union 880
6566 Hawthorne Drive
Windsor, ON N8T 1J9

James Hoffa Campaign
c/o 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-1178-LU31-CAN

Gentlemen:

Colin Jette, a member of Local Union 31, 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 Teamsters Local 31-Transport, Health and Welfare Trust Plan ("Trust Plan"), an employer, made an improper campaign contribution to the Jim Hoffa-No Dues Increase-25 & Out Slate ("Hoffa slate") and its two candidates for vice president of Teamsters Canada--Local Union 31 President Garnet Zimmerman and Local Union 880 President Thomas Baldwin. Specifically, the protester alleges that Zimmerman/Baldwin/Hoffa campaign materials were prominently displayed at the Trust Plan's

Colin Jette
November 14, 1996
Page 2

building, thereby giving members the impression that the Trust Plan supports those candidates. Mr. Jette lodges his protest against Messrs. Zimmerman and Baldwin and the Hoffa campaign. Regional Coordinator Gwen K. Randall investigated this protest.

The investigation revealed that the Trust Plan employs four members of Local Union 31. Local Union 31 members stop by the offices of the Trust Plan to pick up disability checks. The Trust Plan estimates it has about four members stopping in Mondays through Thursdays, but that the number rises to about 15 on Fridays. For at least three weeks prior to this protest, substantial quantities of Zimmerman/Baldwin/Hoffa campaign materials were available for pick-up on the front counters in the Trust Plan's offices in Burnaby, British Columbia. Those materials included: (1) a large stack of newspaper-type materials supporting the Zimmerman/Baldwin/Hoffa campaign; (2) a stack of campaign cards supporting these candidates; (3) a stack of campaign bumper stickers supporting these candidates; (4) a stack of 8×10-inch autographed photographs of James P. Hoffa; and (5) a stack of eight-page letters containing profiles of the members of the Zimmerman/Baldwin/Hoffa campaign and minutes of a meeting at which Teamsters Canada President Louis Lacroix and vice president candidate Charles Thibault were present, where the issue of seceding from the International union was discussed.¹

The investigation also revealed that a four-page newsletter opposing the Hoffa campaign was also available, in which shop stewards from Local Union 31 were critical of Messrs. Zimmerman and Hoffa. A Carey campaign sticker was stuck to a wall near the campaign material but was reported to have been quickly removed.

Article XII, Section 1(b)(1) of the *Rules* provides:

No employer may contribute, or shall be permitted to contribute,
~~directly or indirectly,~~ anything of value, where the purpose, object or

¹Mr. Thibault is a candidate on the Ron Carey No Corruption-No Dues Increase Slate.

foreseeable effect of the contribution is to influence, positively or negatively, the election of a candidate. No candidate may accept or use any such contribution. These prohibitions are not limited to employers that have contracts with the Union; they extend to every employer, regardless of the nature of the business . . . These prohibitions extend beyond strictly monetary contributions made by an employer and include contributions or use of employer stationery, equipment, facilities and personnel.

The term “employer” is defined under the *Rules* to include “any individual, corporation, trust, organization or other entity that employs another, paying monetary or other compensation in exchange for that individual’s services . . .” *Rules*, Definitions (p. xvi).

The Trust Plan is an employer, under the *Rules*. Thus, the Election Officer finds that it violated Article XII, Section 1(b)(1) by making the large quantity of Zimmerman/Baldwin/ Hoffa material available in its offices, as well as the small quantity of the steward newsletter opposing these candidates.

As provided in the section of the *Rules* quoted above, “[n]o candidate may accept or use any such [employer] contribution.” Article XII, Section 1(b)(9) further provides, in relevant part, that “[c]andidates are strictly liable to insure that each contribution received is permitted under the *Rules*.” Strict liability encourages International officer candidates to monitor their supporters. These provisions were violated by the campaigns of all candidates supported by materials that the Trust Plan was making available in its offices.

For the foregoing reasons, the protest is GRANTED.

When the Election Officer determines that the *Rules* have been violated, she “may take whatever remedial action is appropriate.” Article XIV, Section 4. In fashioning the appropriate remedy, the Election Officer views the nature and seriousness of the violation, as well as its potential for interfering with the election process.

The Election Officer orders the following:

1. The Trust Plan shall immediately cease and desist from making available any campaign material or making any other contributions to candidates for International office. On the date of receipt of this decision, it shall remove all campaign materials which are available for distribution at its offices.

2. Within two (2) days of the date of this decision, the Trust Plan shall post the attached “Notice to Local Union 31 Members” on the wall in its offices in the immediate vicinity of where it

Colin Jette
November 14, 1996
Page 4

previously made campaign materials available. Within two (2) days of the date of posting of the Notice, the Trust Plan shall file an affidavit with the Election Officer demonstrating its compliance with this order.

3. Within two (2) days of the date of this decision, Local Union 31 shall post the attached Notice on all bulletin boards at the local union's offices. Within two (2) days of the date of posting the Notice, Local Union 31 shall file an affidavit with the Election Officer demonstrating its compliance with this order.

An order of the Election Officer, unless otherwise stayed, takes immediate effect against a party found to be in violation of the *Rules*. In Re: Lopez, 96 - Elec. App. - 73 (KC) (February 13, 1996).

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
Gwen K. Randall, Regional Coordinator

NOTICE TO LOCAL UNION 31 MEMBERS

The *Election Rules* prohibit employers from making campaign contributions to International officer candidates. That prohibition includes distributing the campaign material of such candidates or endorsing them.

The Election Officer has found that the Teamsters Local 31-Transport, Health and Welfare Trust Plan violated the *Election Rules* by distributing campaign materials in these offices.

The Teamsters Local 31-Transport, Health and Welfare Trust Plan will not distribute campaign material for any International officer candidate.

The Teamsters Local 31-Transport, Health and Welfare Trust Plan does not endorse any International officer candidate.

Date

Gary McKenzie, Plan Administrator
Teamsters Local 31-Transport,
Health and Welfare Trust Plan

This is an official notice which must remain posted until December 10, 1996, and must not be defaced or altered in any manner or be covered with any other material.

Approved by Barbara Zack Quindel, IBT Election Officer.