

November 21, 1996

VIA UPS OVERNIGHT

Matthew O'Connor
225 Meadow Ridge
Smithville, NJ 08201

Ray Williams
Atlantic City Convention Center
2301 Boardwalk
Atlantic City, NJ 08401

Joseph Yeoman, President
Teamsters Local Union 331
5 E. Washington Avenue
Pleasantville, NJ 08232

Re: Election Office Case No. P-1180-LU331-PNJ

Gentlemen:

Matthew O'Connor, a member of Local Union 331, 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 Ray Williams, a Local Union 331 shop steward, violated the *Rules* by campaigning on union time and by tearing down a Hoffa '96 sign posted on a utility pole in front of the local union hall.

Mr. Williams states that he has a petition for Ron Carey and that he asks people to sign it after they have "checked out" from work. Mr. Williams states that Mr. O'Connor took the petition and kept it.

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

1. Allegation Concerning Circulation of Campaign Petition While on Work Time

Mr. O'Connor states that on October 25, 1996, IBT members told him that Mr. Williams was circulating a petition to IBT members which stated, "I support Ron Carey." Among the members who informed Mr. O'Connor of Mr. Williams' actions are Joseph Cohen and Jack Versaput. Messrs. Cohen and Versaput state that as part of his work duties Mr. Williams keeps the time records of people who work on an "as needed" basis. "As needed" workers must sign out from work with Mr. Williams. Messrs. Cohen and Versaput state that on that date

Mr. Williams asked people to sign the petition after they signed out for the day.

Mr. O'Connor states that he told Mr. Williams that he was doing a good job and that he reminded him not to get signatures while he was still on the job. Mr. O'Connor denies Mr. Williams' statement that he took the petition.

Article XIV, Section 2(b) of the **Rules** requires protesters to file "within two (2) working days of the day when the protestor becomes aware or reasonably should have become aware of the action protested." The short time limits are important to ensure that alleged violations of the **Rules** are quickly brought to the attention of the Election Officer in order to afford the greatest opportunity for applying an effective remedy if a violation is found.

The protest was received by the Election Officer on November 4, 1996. The protested event took place on October 25, 1996. The protester does not deny that he had knowledge of Mr. Williams' petition on October 25, 1996.

For the foregoing reason, the Election Officer finds that Mr. O'Connor's protest with regard to the petition which Mr. Williams circulated on October 25, 1996 is untimely.

2. Allegation Concerning Tearing Down Hoffa Campaign Sign While on Work Time

Mr. O'Connor also alleges that on October 30, 1996, Mr. Williams tore down a Hoffa '96 sign from a utility pole in front of Local Union 331 while on work time. Mr. O'Connor admits that he did not actually see Mr. Williams take down the Hoffa '96 sign, but states that he saw Mr. Williams take down a piece of tape which was on the utility pole where a Hoffa '96 sign had been. Mr. O'Connor also acknowledges that Mr. Williams' employer has a practice of permitting employees to go home early and that Mr. Williams was on personal time at the time of the alleged incident.

The Election Officer has found in many instances that the posting of campaign signs and other materials in the public right-of-way is not regulated by the **Rules**. See, e.g., Hoffa, P-1034-JC1-CLE (October 17, 1996); Braga, P-795-LU439-CSF (June 19, 1996); Willett, P-1082-LU331-PNJ (November 8, 1996).

For the foregoing reasons, this 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

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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