

February 12, 1996

VIA UPS OVERNIGHT

Mike Nardelli
947 N. Garfield Avenue
Scranton, PA 18504

Joseph Mecca, Secretary-Treasurer
Teamsters Local Union 229
3104 N. Main Avenue
Scranton, PA 18508

John Monahan
Teamsters Local Union 229
3104 N. Main Avenue
Scranton, PA 18508

John McGrail
Teamsters Local Union 229
3104 N. Main Avenue
Scranton, PA 18508

Thomas Carr, Jr.
Teamsters Local Union 229
3104 N. Main Avenue
Scranton, PA 18508

Re: Election Office Case No. P-340-LU229-PNJ

Gentlemen:

A pre-election protest was filed pursuant to Article XIV, Section 2(b) of the ***Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")*** by Mike Nardelli, a member of Local Union 229. By letter dated January 22, 1996, Mr. Nardelli alleges that Local Union 229 Secretary-Treasurer Joseph Mecca and Business Agents John Monahan, John McGrail and Thomas Carr, Jr., coerced five individuals Mr. Nardelli had recruited to run on a slate for delegate and alternate delegate not to seek those positions.

Mr. Nardelli states that he had recruited Local Union 229 members Reese Scott, Alice Bartolomei, Jerry Houston, Bill Metzger, Rick Smith and Sal Dumas to run as a slate of delegates and alternate delegates. On January 19, Mr. Nardelli arranged a meeting with these members in preparation for the Local Union 229 nomination meeting scheduled for January 21. He discovered that four the individuals he had recruited "suddenly declined to run" and one of the individuals decided to run on the slate backed by the local union leadership. The

respondents deny Mr. Nardelli's charges.

This protest was investigated by Regional Coordinator Peter V. Marks.

Article VIII, Section 11(f) of the **Rules** prohibit retaliation or threat of retaliation against any IBT member by any labor organization or its agents.

In the course of the Election Officer's investigation, three of the four individuals who withdrew from Mr. Nardelli's slate were interviewed. Mr. Smith, a steward for Roadway Express, states that he had intended to run for the positions but voluntarily decided not to run with Mr. Nardelli when he learned that Mr. McGrail, his business agent, would be running in opposition. Mr. Smith expressed a lot of respect for Mr. McGrail. Before the nomination meeting, Mr. McGrail offered Mr. Smith the opportunity to run for delegate on his slate. Since he was interested in serving as a delegate, Mr. Smith accepted Mr. McGrail's offer.

Mr. Metzger also states that his main reason for withdrawal was his respect for Mr. McGrail. Mr. Metzger adds that he is currently using crutches due to an off-the-job injury, which would have prohibited him from effectively campaigning. Ms. Bartolomei states that, before Mr. Nardelli's proposed meeting on January 19, she had told the protester she would not be able to run because her property was flooded by rains. Mr. Dumas could not be reached.

All of the individuals who withdrew from the slate indicated that no threats were made to them, nor were they enticed to withdraw by any promise of reward. Thus, no evidence of conduct that would violate Article VIII, Section 11(f) of the **Rules** has been offered.

In consideration of the foregoing, 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 and 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 North Capitol Street, Suite 855, Washington, D.C. 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, Regional Coordinator