

February 29, 1996

VIA UPS OVERNIGHT

Robert Walston
7133 S. 86th Avenue
Justice, IL 60458

Eddie Kornegay, Trustee
Teamsters Local Union 743
300 S. Ashland Avenue
Chicago, IL 60607

Re: Election Office Case No. P-370-LU743-CHI

Gentlemen:

A pre-election protest was filed pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 International Union Delegate and Officer Election ("Rules")* by Robert D. Walston, a member of Local Union 743. Mr. Walston specifically alleges that Article VIII, Sections 11(a) through (f) were violated by Local Union 743 Trustee Eddie Kornegay at a staff meeting attended by business agents and organizers employed by Local Union 743 on January 26, 1996. Mr. Walston specifically alleged that Mr. Kornegay ordered the business agents to attend the meeting, and at the meeting informed the attendees that they must run for delegates on the Ron Carey slate, sign a slate form, produce a list of 25 members who would support the slate and donate funds to the slate. Mr. Kornegay, the protester alleges, stated that anyone who refused to follow these directives should "return to the employer from which you were hired." The protester also filed a complaint with the Independent Review Board alleging the same conduct by Mr. Kornegay.

Mr. Kornegay responds that the protester "grossly mischaracterizes" the meeting due to his bias and hostility against Mr. Kornegay. He contends that the business agents were invited to a

“political” breakfast meeting and attendance was not mandatory. The meeting was relaxed and non-threatening. He states that he told the attendees that the meeting was political and if “anyone in the room had a moral, philosophical, religious or other reason for not wanting to stay at the meeting, he or she could leave and no one would have any less respect for them.” Mr. Kornegay then proceeded to discuss the election.¹ He asked those employees gathered to consider running as delegates on the Ron Carey slate. He talked about the campaign and the difficulty for the attendees to remain on the sidelines. Mr. Kornegay contends that, “[i]t was in this context that [he] reiterated that anyone who did not want to support the Ron Carey slate could leave the meeting, and anyone who wanted to stay out of the fray entirely could consider returning to his or her shop, and no one would have any less respect for them.”

The protest was investigated by Adjunct Regional Coordinator Dennis M. Sarsany. As part of his investigation, Mr. Sarsany interviewed witnesses identified by Mr. Walston.² At Mr. Kornegay’s suggestion, Mr. Sarsany interviewed the first six persons on an alphabetical list of attendees provided in a statement of position of the charged party.

On January 26, 1996, a number of business agents and organizers employed by Local Union 743 attended a breakfast meeting at Chicago’s Congress Hotel. Attendance was not mandatory. Attendees were invited by word of mouth and at least three business agents did not attend. The purpose of the meeting was purely political and Mr. Kornegay so advised all in attendance. He further advised that the meeting was being held away from the union hall and at his own expense. Given the political nature of the subject matter, Mr. Kornegay stated that anyone with personal concerns about attending the meeting was free to leave, and if they chose to do so, no one would have “any less respect for them.”

During his address, Mr. Kornegay indicated his support for incumbent General President Ron Carey, a candidate in the pending election. He spoke about the trusteeship of the local union and the polarization that this had brought about. Given this polarization, Mr. Kornegay stated his opinion that the positions held by business agents and organizers would make it difficult to ignore the election and remain neutral. He said that any business agent or organizer who did not wish to deal with the potential rigors of the upcoming election campaign might consider returning to their former employment. Mr. Kornegay asked those in attendance to consider running as delegate candidates on the Ron Carey slate. He stated that if they chose to do so, they would have to sign a slate declaration form, contribute to the campaign and assist in identifying other members who might support the slate. No immediate action was requested at the meeting.

¹Mr. Kornegay is a candidate for trustee on the Ron Carey slate.

²Mr. Walston is a member of Local Union 743 who was formerly employed by the local union until he was terminated by Mr. Kornegay. He was not in attendance at the meeting.

Assistant Trustee Elijah Buffington supervises the business agents employed by Local Union 743. During the meeting, after Mr. Kornegay referred to the internal political fight in the union, Mr. Buffington stated that if “those on the outside get in, we will all be out.” He added that anyone who had a problem participating in the election as a candidate for delegate could discuss the matter with Mr. Kornegay.

Mr. Walston provided a list of 10 witnesses to support and corroborate his allegations. Of these 10, two did not attend the meeting. Five others gave accounts indicating that the employment of no business agent or organizer was threatened during the meeting. One recalled hearing that no problems would be created for any employee not interested in participating or who held moral or intellectual views inconsistent with becoming involved in the politics of the election. Only two witnesses actually supported Mr. Walston’s allegations. Both stated that they are actively supporting an opposing slate of candidates.

The *Rules* freely permit IBT members to engage in campaigning and to run as candidates for delegate or International office. Article VIII, Section 11. Article VIII, Section 11(f) prohibits “[r]etaliatio[n] or threat of retaliation by the International Union, any subordinate body, any member of the IBT, any employer or other person or entity against a Union member, officer or employee for exercising any right guaranteed” by the *Rules*.

Here, the evidence indicates the Mr. Kornegay held a political meeting in an attempt to form a slate of candidates. The protester claims that comments made by Mr. Kornegay suggesting union employees consider returning to their original employment (e.g., Montgomery Ward) should be viewed as a prohibited threat under the *Rules*. The Election Officer finds that these comments were made in the context of discussing the heated nature and polarization of the campaign. In essence, Mr. Kornegay appeared to be warning those present that if they couldn’t stand the heat, they should consider “getting out of the kitchen.” The Election Officer does not take this to be a threat in violation of the *Rules*. Given the evidence that has been gathered, it is clear that all but two of those members interviewed took Mr. Kornegay’s statements to be his view of the political realities of the campaign, and not a threat to their job. For this reason, the protest is DENIED.

However, to ensure that there is no question of the right of members who are union employees to participate, or not to participate, in the election of delegates and International officers without the fear of reprisal, the Election Officer will send a notice to each of the union’s business agents and organizers employed by Local Union 743, clarifying their rights and the steps to take if there is any interference or reprisal for their exercise of those rights. Accordingly, Mr. Kornegay shall, within three (3) days of the receipt of this decision, provide a roster, including names and addresses, of those business agents and organizers employed by the local union. The Election Office will send such notices after receiving the roster.

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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
Dennis M. Sarsany, Adjunct Regional Coordinator
Julie E. Hamos, Regional Coordinator