

February 28, 1996

VIA FACSIMILE & UPS OVERNIGHT

Les Voland
339 Grand Boulevard
Cleveland, OH 44146
Fax: 216-232-0901

I. X. Center
6200 Riverside Drive
Cleveland, OH 44135

Terry Freeman, Secretary-Treasurer
Teamsters Local Union 507
707 Brookpark Road
Cleveland, OH 44109
Fax: 216-459-1876

Murphy-Phoenix
Division of Colgate-Palmolive
6550 Davis Industrial Parkway
31900 Solon Road
Solon, OH 44139

Re: Election Office Case No. P-510-LU507-CLE

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 Les Voland, a member of Local Union 507. The protester alleges that employer practices at the I. X. Center ("I. X.") and the Murphy-Phoenix Co. ("Murphy") have caused a situation in which ballots for the local union delegate election were mailed to people who are not eligible to vote in the election. Mr. Voland requests that the ballots sent to workers at these employers hired after September 1995 be coded so that they can be identified and challenged at the ballot count.

Specifically, Mr. Voland alleges that both I. X. and Murphy pay the initiation fees and dues of

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new hires instead of deducting these charges from wages. He contends such a practice violates the IBT Constitution and, if proven, could render workers under such a plan ineligible to vote in the delegate election. In addition, Mr. Voland alleges that Murphy and I. X. employ a substantial number of temporary workers who may not be eligible to vote.

The protest was investigated by Regional Coordinator Joyce Goldstein.

The investigation revealed that allegations regarding the payment of employee fees and dues and employment of temporaries were the basis of a request for investigation also made of General Secretary Tom Sever. Mr. Sever had the matter investigated by International Auditor William P. Evans, who issued a report on February 23, 1996.

According to his report, Mr. Evans discovered no evidence of dues payment irregularities at Murphy. Murphy admitted that it had employed seven temporaries during "peak" periods when a sufficient number of union workers could not be obtained. These workers were employed for approximately five weeks each and none are presently employed at Murphy. In Mr. Evans view, the use of temporary workers was "an abnormal situation" at Murphy.

In the same report, Mr. Evans states that I. X. includes a bonus in the pay of new employees below a certain pay rate. This bonus payment covers employee initiation fees and dues, and is recorded as earnings in the employees' payroll records. As a result, it is apparent that I. X. did not directly pay the dues and fees of its workers. Rather, the workers receive a bonus payment to cover these expenses which is considered part of their earnings. Mr. Evans did not recommend that this practice be censured.

Mr. Evans' report does not disclose prohibited employment practices at either protested employer. There is no evidence to dispute Mr. Evans' findings in this matter. As a result, there is no basis for Mr. Voland's request that the ballots of employees at I. X. or Murphy be subjected to a level of scrutiny higher than that of other members of Local Union 507. Accordingly, his 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

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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
Joyce Goldstein, Regional Coordinator