

October 10, 1996

VIA UPS OVERNIGHT

Tim Buban
6200 W. Bluemound Road
Milwaukee, WI 53213

James J. Newell, Secretary-Treasurer
Teamsters Local Union 662
119 W. Madison Street
Eau Claire, WI 54703

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

Bradley Raymond
Finkel, Whitefield, Selik, Raymond
Raymond, Ferrara & Feldman, P.C.
32300 Northwestern Highway
Suite 200
Farmington Hills, MI 48334

Re: Election Office Case No. P-987-LU662-NCE

Gentlemen:

Tim Buban, a member of Local Union 662, filed a pre-election protest pursuant to Article XIV, Section 2(b) of the ***Rules for the IBT International Union Delegate and Officer Election (“Rules”)*** alleging that Jim Newell, secretary-treasurer of Local Union 662, discriminated against the Ron Carey No Corruption-No Dues Increase slate (“Carey slate”) by inviting members of the Jim Hoffa-No Dues Increase-25-&-Out slate (“Hoffa slate”) to a local union stewards seminar on September 14, 1996, without making the same invitation to the Carey slate. In addition, Mr. Buban states that Local Union 662 never responded to the Carey campaign’s August 21, 1996, request for the times, dates, and locations of its “regularly scheduled general or special membership meetings.”

Mr. Newell admits that members of the Hoffa slate appeared at the stewards seminar but states that all candidates running for IBT general president and general secretary-treasurer were given the same opportunity to appear. Mr. Newell also states that the local union replied to the Carey campaign’s request for meeting information within five days, as required by the ***Rules***.

This protest was investigated by Regional Coordinator Judith Kuhn.

The Election Officer’s investigation revealed that on August 20, 1996, Local Union 662

mailed invitations to all candidates for the positions of IBT general president and general secretary-treasurer to attend and participate in its stewards seminar scheduled for September 14, 1996. The local union submitted copies of all the invitation letters to the Election Officer. The Election Officer credits, and the investigation supports, the local union's statement that all of the invitations were sent.

The local union received replies from four of the International officer candidates: general president candidate James P. Hoffa and general secretary-treasurer candidate Thomas Sever (Carey slate) declined the invitation; general secretary-treasurer candidate William Hogan, Jr. (Hoffa slate), and candidate for general secretary-treasurer Thomas Keegel accepted the invitation. Incumbent general president Ron Carey did not respond to the invitation, but Mr. Carey's legal representative informed the Election Officer that Mr. Carey received the invitation at his IBT office. General secretary-treasurer candidate Ken Hollowell (Stand Up for Teamsters slate) did not respond to the Regional Coordinator's inquiry. Since all other candidates received the above-referenced letters, the Election Officer finds that Mr. Hollowell received his invitation to Local Union 662's stewards seminar.

On September 14, 1996, Local Union 662 convened its Local Union Steward Seminar at the Holiday Inn Convention Center in Eau Claire, Wisconsin. The seminar was attended by approximately 40 stewards from Local Union 662. Among the speakers were Messrs. Hogan and Keegel.

1. Allegation of Discrimination Against the Carey slate

The **Rules** are designed to ensure that candidates have equal access and opportunity to campaign at local union meetings and functions, if campaigning is allowed at all. Article VIII, Section 5(a), in relevant part, reads as follows:

- (3) The Local Union need not allot time for campaigning during any of its meetings. However, if campaigning during such meetings is permitted, the Local Union shall notify all candidates for the positions for which such campaigning will be permitted of the opportunity to speak at least five (5) days prior to the meeting and shall divide the time equally between those candidates (or the candidates' credentialed representatives) who request an opportunity to speak. The order of appearance shall be determined by lot.

The **Rules** thus set forth campaigning procedures for local union meetings which are non-discriminatory. An opportunity to campaign at a union meeting must be made equally available to all candidates for a particular position, with advance notice. See Kapitula, P-1104-LU401-PHL (November 22, 1991).

The record in this matter indicates that all candidates for the positions of general president and general secretary-treasurer were notified of the upcoming event well before the five days required under Article VIII, Section 5(a)(3).

A representative of the Carey campaign, Mike Murphy, contends that the notices to Messrs. Carey and Sever were inadequate on the ground that the invitations were sent to the candidates at their IBT offices and not to Carey campaign headquarters. Mr. Murphy argues that the Election Officer requires candidates not to use union facilities for campaign work, so the same distinction should be made with regard to information that is sent to the candidates.

Mr. Murphy is correct that campaign-related notices are more prudently sent to campaign offices. Under the circumstances of this matter, however, where such notices were required by the *Rules*, and admittedly received, the Election Officer finds that the notices sent to IBT offices were not for that reason rendered ineffective. Therefore, the Election Officer finds that Local Union 662 did not “discriminate or permit discrimination in favor or against any candidate” with respect to its invitation to general president and general secretary-treasurer candidates to appear at its September 14 stewards meeting.

2. Allegation of Denial of Meeting Information

Mr. Buban also claims that the Carey slate was denied a copy of Local Union 662’s monthly meeting schedule, in violation of Article VIII, Section 5(b), which states:

Each candidate for International office has the right to request from the Local Union a list of the dates, times and places of its regularly scheduled general or special membership meeting(s), excepting meetings for limited purposes such as voting on contracts or strikes, handling of grievances, etc. Such request shall be made in writing to the Local Union’s Secretary-Treasurer and shall be honored within five (5) days.

The Carey campaign made its request by mail on August 21, 1996. The local union states that it replied to the Carey campaign’s request within the required five days. The local union also states that it would be “happy to reissue another written response” to the Carey campaign upon request.

While the Carey campaign delayed in filing this protest, the right to receive the schedule remains. Therefore, since the local union is willing to issue another written response to the Carey campaign, it should provide the requested information within three (3) days of this decision, with a copy of the letter to the Election Officer.

Accordingly, the protest is **RESOLVED** as to the allegation regarding the meeting information and **DENIED** in all other respects.

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
Judith Kuhn, Regional Coordinator