

December 16, 1997

VIA UPS OVERNIGHT

Alex Kantrowitz
548 Westbriar Place, #2C
Chicago, IL 60657

Diane Bell, Area Coordinator
United Parcel Service
1500 South Jefferson Street
Chicago, IL 60607

Tom Strobel, Twilight Sort Manager
United Parcel Service
1500 South Jefferson Street
Chicago, IL 60607

Darryl Jones, PD-4 Twilight Supervisor
United Parcel Service
1500 South Jefferson Street
Chicago, IL 60607

Gary M. Tocci, Esq.
Schnader, Harrison, Segal and Lewis
1600 Market Street
Philadelphia, PA 19103

Re: Election Office Case No. PR-033-LU705-NCE

Gentlepersons:

Alex Kantrowitz, a member of Local Union 705, filed a protest pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")* against Tom Strobel and Diane Bell, supervisors for United Parcel Service ("UPS"). Mr. Kantrowitz alleges that on November 12, 13, and 14, 1997, he was improperly prevented from distributing election-related literature within a UPS facility. UPS challenges the jurisdiction of the Election Officer with respect to the incidents alleged and further asserts that there is no right to campaign in the areas claimed by the protester. The November 12 incident is specifically objected to by UPS on the grounds of timeliness.

The protest was investigated by Regional Coordinator Judith E. Kuhn.

The protester is employed part-time by UPS at its Jefferson Street facility in Chicago, Illinois. Mr. Kantrowitz begins his shift at 6:00 p.m. During his break time on Wednesday, November 12, 1997, the protester distributed campaign literature concerning the local union officers' election at a clock-in area inside the facility. During this activity, he had a conversation about the local union officers' election with Brian Sergel and Mr. Sergel's friend, UPS employees who were on break. UPS supervisor Diane Bell approached Mr. Kantrowitz and informed him that he was in a work area and that he would have to leaflet outside. The protester objected, but complied.

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The next day, Mr. Kantrowitz distributed campaign literature in a different clock-in area inside the facility. On this occasion, UPS supervisor Tom Strobel advised the protester that distribution of this material was not permitted in the area. Again the protester voiced an objection, but stopped his campaign activity.

The protester distributed campaign literature in a third clock-in area before work began on Friday, November 14, 1997. He was informed by UPS supervisor Jose Salinas that he could not distribute campaign literature in that location. A mild verbal altercation occurred and Supervisor Diane Bell was called. She advised the protester that he was not permitted to leaflet in the area. After advising her that he intended to file an election protest for "discriminatory harassment," Mr. Kantrowitz followed the instructions of Ms. Bell.

Mr. Kantrowitz specifically alleged in his protest that he distributed campaign material supporting candidates for Local Union 705 office, not literature for any candidate in the International officer election. The Election Officer may only resolve protests which implicate the International election. The **Rules** do not apply to local union elections. Ryan, P-1149-LU150-CSF (November 21, 1996).

During the investigation of this protest, however, Mr. Kantrowitz stated that he "possibly" handed out "anti-Hoffa literature" in addition to material supporting Local Union 705 candidates. According to another statement made after filing the protest, Mr. Kantrowitz "believes" that on November 14, 1997, he may have distributed a magazine article supporting a candidate for general president in addition to other material. Other witnesses could not recall receiving campaign material supporting an International union candidate from Mr. Kantrowitz or discussing the International officer election with him.

The evidence presented is insufficient to show that any of Mr. Kantrowitz's campaign efforts were made on behalf of International candidates. Therefore, the **Rules** are not applicable to the allegations made in this protest.

Accordingly, the protest is DENIED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one (1) 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, 444 North Capitol Street, NW, Suite 445, Washington, DC 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Michael G. Cherkasky
Election Officer

cc: Kenneth Conboy, Election Appeals Master
Judith E. Kuhn, Regional Coordinator