

*Battiste, 2025 ESD 10*  
OFFICE OF THE ELECTION SUPERVISOR  
for the  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: BATTISTE, MARIANNA )	Protest Decision 2025 ESD 10
)	
Protestor. )	Issued: October 15, 2025
)	
)	OES Case No. P-017-100725-WE

**INTRODUCTION**

Marianna Battiste, member of Local Union 2010, filed a pre-election protest with the Office of the Election Supervisor (OES). That protest appears to allege several violations of the *Rules for the 2025-2026 IBT International Union Delegate and Officer Election* (the “Rules”) by members of the Team 2010 Unity Slate.<sup>1</sup> For the reasons detailed below, we DENY the protest.

Election Supervisor Deborah Schaaf investigated this protest.

**BACKGROUND AND FINDINGS**

Local Union 2010 is entitled to 17 delegates and 17 alternate delegates to the IBT International Convention. On October 4, 2025, a nomination meeting held by Local Union 2010 to nominate the candidates resulted in two slates. Members First Slate (“Members First”), a partial slate of 12 delegate candidates, is running against Team 2010 Unity Slate (“Team Unity”), compromising 17 delegate candidates and 17 alternate delegates.

On October 7, 2025, Battiste, a Members First candidate, submitted OES Protest Number No. P-017-100725-WE (“P-017”). In P-017, Battiste requests that the OES conduct a “thorough review of all candidates of the Unity Slate for every seat that is up for election 2025” to confirm eligibility pursuant to Local 2010 Bylaws and the IBT Constitution. The OES will refrain from such a general eligibility review absent more specific allegations related to the election of delegates to the International Convention.

In P-017, Battiste further alleged numerous campaign violations by Team Unity members, largely related to activity surrounding the October 4, 2025 Delegate Nomination Meeting conducted by Local 2010:

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<sup>1</sup> It appears from P-017 that Battiste is also alleging violations of the rules related to the local election of Local 2010 executive officers, of which OES has no jurisdiction. This decision addresses the protest only to the extent it alleges violations of the *Rules for the 2025-2026 IBT International Union Delegate and Officer Election*.

***Allegation:***

On October 4, 2025, Team Unity supporters distributed campaign literature to Local 2010 members as those members entered parking lots within 100 feet of Local 2010 property at 7730 Pardee Lane, Oakland, California and 9900 Flower Street, Bellflower, California for purposes of International Delegate and Local Officer Nominations.<sup>2</sup>

On that same date, October 4, 2025, Team Unity campaign posters were “rallied” outside the building and placed on desks inside the building. Local 2010 officers and members of leadership wore Team Unity campaign T-shirts both outside and within the Union Hall.

***Investigation:***

Members of Team Unity, including Local 2010 Secretary-Treasurer Jason Rabinowitz, do not deny displaying campaign posters or distributing campaign literature both outside and inside the building lobby before and during the October 4 delegate nomination meeting.

Battiste provided the investigator a photograph of a single Team Unity campaign poster on a table that was presumably within the meeting hall during the nomination meeting (Exhibit 1). The photograph depicts the campaign poster lying flat on the table.

Team Unity members also acknowledge that they wore campaign t-shirts both outside the union building and within the meeting hall during the October 4 nomination meeting.

***Finding:***

Distributing campaign literature outside a meeting hall is not a violation of the *Rules*. Article VII, Section 12(a) of the *Rules* provides, in relevant part:

All Union members retain the right to participate in campaign activities... This includes, but is not limited to, the right to distribute campaign literature (and otherwise to solicit support for a member's candidacy) outside a meeting hall before, during and after a Union meeting, regardless of Union policy, rule or practice.

Article VII, Section 7(h) further mandates:

Subject to such Advisory or further guidelines as may be established and published by the Election Supervisor, each Local Union must establish a literature table and/or bulletin board in a public area of each Local Union facility which is open to members for the nondiscriminatory distribution/ display of campaign literature for the 2026 IBT International Union Officer Election.

P-017 contains no allegation that Members First’s right to display campaign posters or distribute campaign literature was denied or otherwise frustrated. Accordingly, the October 4, 2025 rallying of campaign posters and the distribution of campaign literature by Team Unity

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<sup>2</sup> Local 2010 held an in-person delegate nomination meeting in its Oakland location. Members were allowed to attend the nomination remotely at the Bellflower location (approximately 390 miles from Oakland) through videoconference. OES representatives monitored activity at both locations.

supporters to Local 2010 members both outside union property, and within the building did not violate the *Rules*.

Regarding the presence of Team Unity t-shirts (or the campaign poster) within the meeting hall, wearing campaign paraphernalia constitutes campaign activity and campaign communication. *See Alvarado*, 2010 ESD 28 at 3-4 (September 21, 2010). The propriety of that conduct, however, depends on the activity being conducted within the hall at the time of the alleged violation. Significantly, P-017 contains no suggestion that Local 2010 union business (i.e. union business unrelated to officer/delegate nominations) was conducted during the October 4 meeting. Further, representatives of the OES monitored both meeting locations and confirmed that no union business unrelated to officer/delegate elections occurred. The *Rules* do not prohibit campaigning at delegate nomination meetings. *See, e.g., Supplemental Election Supervisor Rules for the 27th International IBT Convention*, § X (May 1, 2006) (convention floor politically neutral location except during the period of candidate nominations and acceptance speeches). Absent any evidence that campaigning activity was conducted during a union meeting, we find no violation of the *Rules*.<sup>3</sup>

***Allegation:***

On September 29, 2025, Team Unity supporters distributed invitations to a Team Unity fundraiser to Local 2010 members as they exited buses that had transported them from Oakland Airport to the annual Local 2010 Leadership Conference and Training event (Exhibit 2). Team Unity also held a campaign event in the same hotel that Local 2010 members stayed, lodging that had been paid for with Union funds.

***Investigation/Finding:***

Battiste’s protest regarding activity allegedly occurring on September 29, 2025 is untimely. Pursuant to Article XIII, Section 2(b) of the *Rules*:

Except as otherwise provided in Article III, Section 5(n) of the Rules, all other preelection protests...must be filed within two (2) working days of the day when the protestor becomes aware or reasonably should have become aware of the action protested or such protests shall be waived.

To the extent the allegations are deemed not waived, the investigation did not reveal any violation of the Rules. Specifically, Battiste alleges that Team Unity handed out campaign literature to members as they exited buses in the parking lot in advance of the annual Local 2010 conference and training. As detailed above, the distribution of campaign literature (and otherwise to solicit support for the Team Unity candidacy), is consistent with Article VII, Section 12(a) of the *Rules*.

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<sup>3</sup> The right to campaign during a local union meeting is limited. If union business not related to delegate nomination had been conducted during the October 4 meeting, then the issue of violation would depend on past Local 2010 practice. *See, e.g., Martinez & Kolis*, 2011 ESD 178 (“[w]hether a right exists to campaign inside a union hall depends on past practice.”), *citing Leedham Slate*, 2006 ESD 301 at 3 (July 5, 2006); *see also Thornsberry*, 2000 EAD 48 (November 17, 2000), *aff’d as modified*, 00 EAM 12 (December 12, 2000) (*Rules* violated by soliciting accreditation petitions inside union hall where there was no past practice that allowed campaign activity in the hall). We need not address that question here.

Battiste further speculates either that the invitation to the fundraiser put undue pressure on members to attend the fundraiser as their lodging was paid for by Local 2010, or that Team Unity was provided a free room at the hotel for the fundraiser in exchange for booking the Conference attendees. Upon inquiry, Team Unity member Rabinowitz informed the investigator that (a) the hotel did not donate the space for the Fundraising Reception following the Leadership Conference, (b) no Local 2010 funds were used to reserve hotel space or to purchase food or drinks for the event; and, (c) the event was totally separate from the Leadership Conference and attendance was optional.

Absent more specific information regarding undue pressure applied on Local 2010 members – or any allegation that Members First was prevented from similarly distributing campaign literature or holding a campaign event in proximity to the annual conference and training – the OES refrains from further investigation of the untimely protest.

***Allegation:***

On September 23, 2025, UCLA Teamsters Local 2010 members attended a rally on the UCLA campus during which a Team Unity Slate campaign banner was displayed and Team Unity supporters – while on paid union time – distributed campaign literature.

***Investigation:***

Battiste’s October 7, 2025 protest regarding activity allegedly occurring on September 23, 2025 is untimely pursuant to Article XIII, Section 2(b) of the *Rules*.

To the extent the allegations are deemed not waived, the investigation did not reveal any violation of the *Rules*. Battiste did not personally observe the event comprising the allegations; instead, Battiste referred the OES investigator to a Local 2010 member who is presently a candidate for delegate on the Members First Slate (the “Member”).

The Member informed the investigator that she was alerted by a Members First supporter that Local 2010 was rallying on the campus outside the hospital and went outside to observe. The Member reported seeing a canopy-type tent that covered a table with a Team Unity campaign poster attached to the front of the table. Campaign literature was placed on top of the table. According to the Member, the Team Unity table was “three steps away from a free-lunch table,” i.e. a table containing free box lunches that, based on proximity, could have been suggested to the witness that the food was paid for by Team Unity. The Member provided a photograph of the subject tables (Exhibit 3).

The Member also provided a photograph showing Local 2010 members who had apparently disembarked from a blue bus. The members appear standing in a group holding “Save our Free Speech” placards. No Team Unity Slate campaign paraphernalia is visible in the photos. (Exhibit 4).

The investigator independently located an advertisement for the UCLA rally on the Local 2010 Facebook page (Exhibit 5). That advertisement solicited Local 2010 members to “Rally for Our Rights and Fair Contracts,” to “Protect Our Jobs,” and a warning that “Free Speech Under

Attack.” No Team Unity (or other campaign) logo or reference was included in the advertisement.

The investigator questioned Team Unity member Rabinowitz regarding event. Rabinowitz stated that Local 2010 organized the work-related rally at the UCLA campus, and the rally was funded by Union funds. According to Rabinowitz, the Team Unity campaign tent was separate from the rally. He also stated the tent and table were not financed with Union funds, and the table was staffed by Team Unity members who used paid vacation time.

Article VII, Section 12(d) of the *Rules* provides, in relevant part:

[N]o restrictions shall be placed upon candidates’ or members’ preexisting rights to solicit support, distribute leaflets or literature, conduct campaign rallies, hold fund-raising events, or engage in similar activities on employer or Union premises. Such facilities and opportunities shall be made available to all candidates and members on a nondiscriminatory basis.

Based on the information presently available, Team Unity’s campaigning in proximity to the Local 2010 rally at the UCLA campus does not appear to be inconsistent with the *Rules*. Absent any information that (a) Union funds were used to conduct that campaign activity, (b) Team Unity members or supporters campaigned during working hours, or (c) Members First members or supporters were denied similar access, the OES refrains from further investigation in light of the untimeliness of the protest.

For the foregoing reasons, we find no violations of the *Rules* as alleged in P-017 and DENY the protest.

#### APPELLATE RIGHTS

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. Any party requesting a hearing must comply with the requirements of Article XIII, Section 2(i). All parties are reminded that, absent extraordinary circumstances, no party may rely in any such appeal upon evidence that was not presented to the Office of the Election Supervisor. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Election Appeals Master  
Barbara Jones  
Election Appeals Master  
[IBTappealsmaster@bracewell.com](mailto:IBTappealsmaster@bracewell.com)

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters. Service may be accomplished by email, using the “reply all” function on the email by which the party received this decision. A copy of the protest must accompany the request for hearing. A copy of the protest must accompany the request for hearing.

Timothy S. Hillman  
Election Supervisor

cc: Barbara Jones, [IBTappealsmaster@bracewell.com](mailto:IBTappealsmaster@bracewell.com)  
2025 ESD 10

DISTRIBUTION LIST (BY EMAIL UNLESS NOTED OTHERWISE):

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**EXHIBIT 1**



EXHIBIT 2

**RE-ELECT TEAM 2010 UNITY SLATE**

Join our proven leaders, Jason Rabinowitz and Catherine Cobb, for a fundraising reception and re-election campaign kickoff!

Let's continue to build member power and win for workers!

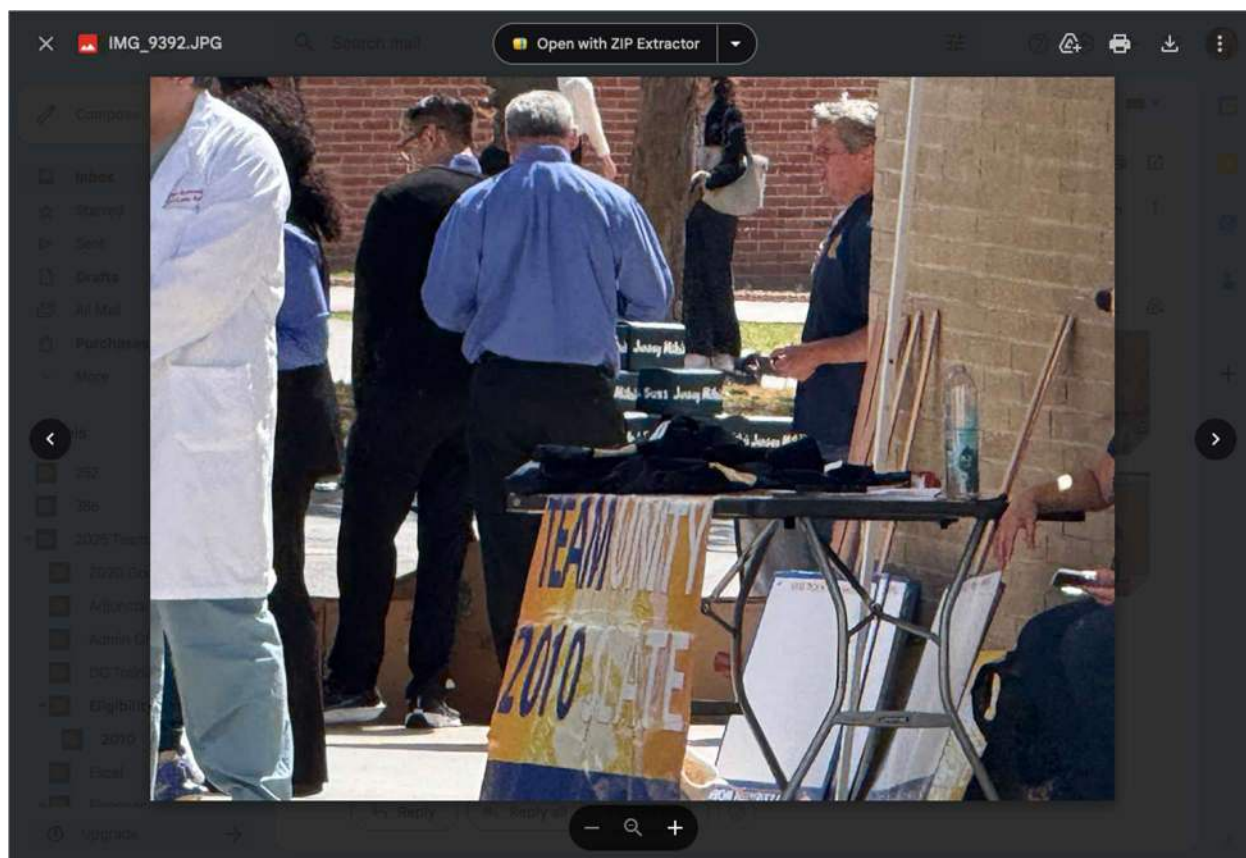
With our contracts open next year and our future on the line, Jason and Team Unity are the leaders we want bargaining our contracts next year. We can't afford to go back to the bad old days of weakness and division.

**Fundraising Reception**  
**Monday, Sept 29**  
After Leadership Training

**Homewood Suites**  
Dining Area & Patio  
1103 Embarcadero  
Oakland, CA

**\$25 donation includes drinks, T-shirt and snacks.**

### EXHIBIT 3



# EXHIBIT 4

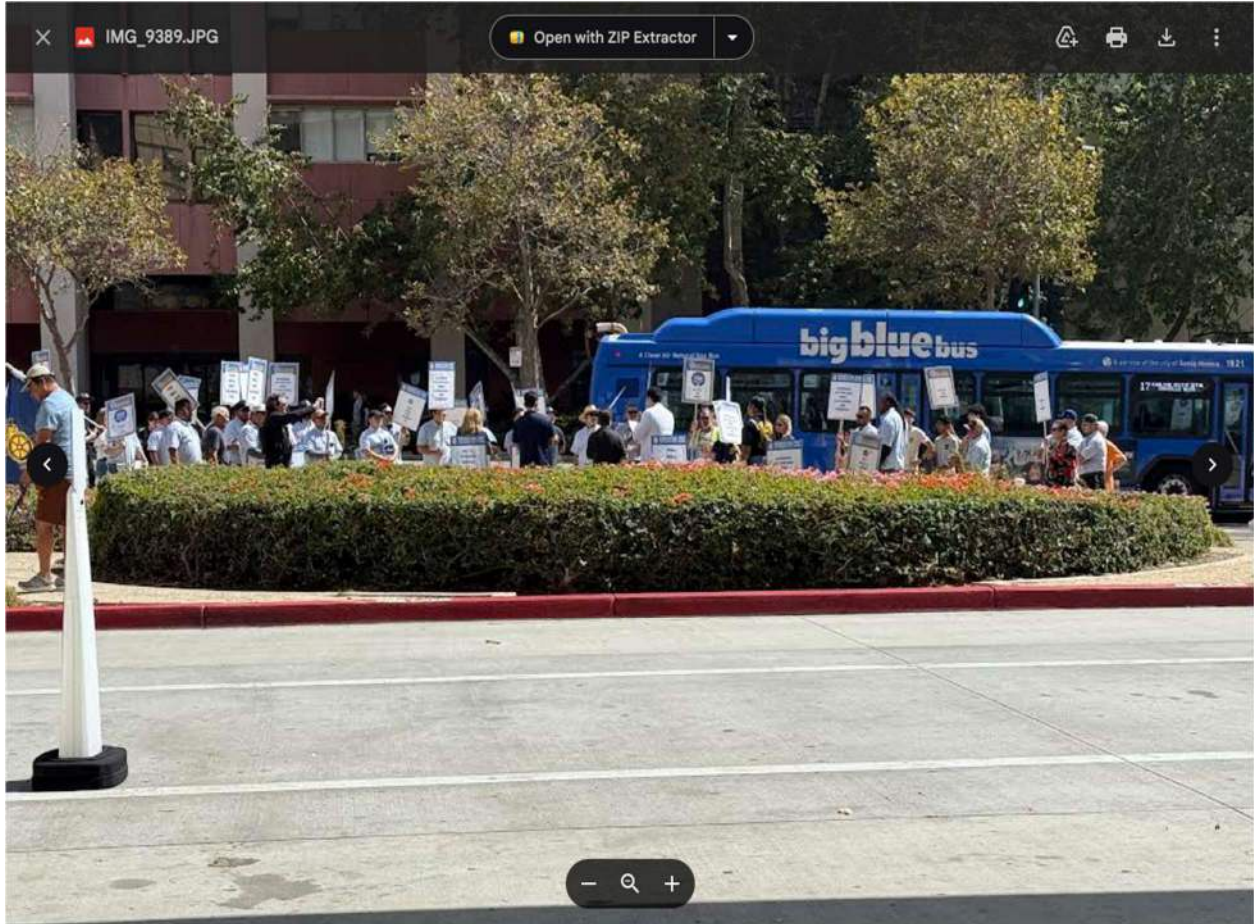


EXHIBIT 5

