



OFFICE OF THE ELECTION OFFICER
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Michael H. Holland
Election Officer

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December 4, 1990

VIA UPS OVERNIGHT

Mike Brannan
1319 63rd Street
Wauwatosa, WI 53213

Ronald Strzelecki
Secretary-Treasurer
IBT Local Union 344
10020 West Greenfield Ave.
Milwaukee, WI 53214

Fred Weisman
Business Agent
IBT Local Union 344
10020 West Greenfield Ave.
Milwaukee, WI 53214

Re: Election Office Case No. P-029-LU344-NCE

Gentlemen:

A pre-election protest was filed pursuant to Article XI of the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990 ("Election Rules"). In that protest the complainant, Mike Brannan, alleged that the Election Rules were violated by Fred Weisman, a Local Union 344 Business Agent, as a result of statements made at a UPS craft meeting. The investigation of the protest revealed the following facts.

A UPS craft meeting was held on October 27, 1990 at the Local Union 344 Hall. The meeting was called to discuss the new UPS contract and to elect a new union steward. The meeting was chaired by Fred Weisman, a Local Union 344 Business Agent. After the discussion of the contract and the election of the new shop steward, Weisman discussed the process for nominating and electing delegates and alternate delegates to the 1991 IBT International Convention. In that discussion Weisman stated that he was going to run for a position as delegate as part of the Local Union Executive Board slate and that there would be another slate running for the delegate positions. Weisman also stated that he could not

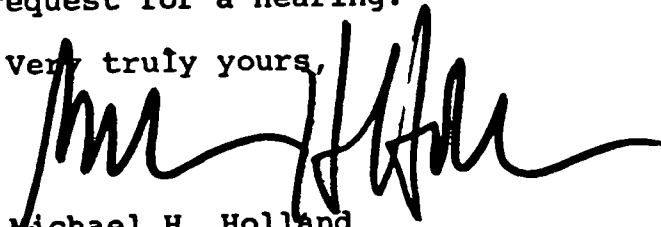
campaign at the meeting and that he would be campaigning outside the UPS facility.

Article VIII, Section 4 of the Election Rules provides that no candidate may be denied access to any meeting of the Local Union to which he or she belongs. The rule also provides that while the Local Union need not grant candidates the opportunity to address the meeting for the purpose of campaigning, if such campaigning is permitted, a similar opportunity must be granted to other candidates. Campaigning, under the Election Rules, clearly involves a solicitation of support for a candidate or slate of candidates or an attempt to sway support from an opposing candidate or slate.

The election Officer finds that the statements made by Fred Weisman at the October 27, 1990 UPS craft meeting did not constitute campaigning under the Election Rules. Weisman's statements concerned the procedures for nominating and electing delegates and alternate delegates and the fact that he could not campaign at Local Union meetings were factual and consistent with the Election Rules. Weisman's additional statements that there were slates running for the positions of delegate and alternate delegate, and that he was running as part of one of those slates do not constitute campaigning. Weisman did not solicit support for his slate or argue that the other slate was not worthy of support.

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their 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 Independent Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D. C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours,



Michael H. Holland
Election Officer

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cc: Frederick B. Lacey, Independent Administrator, IBT

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