

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624 8778
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174 / PNW

Michael H Holland
Election Officer

November 29, 1990

Chicago Office
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922 2800

VIA UPS OVERNIGHT

Douglas Frechin
7515 - 181st Place, SW
Edmonds, WA 98026

Mark Johnson
619 221st Street, SW
Bothel, WA 98021

Dean Ambler
1045 Phunney Avenue N
Seattle, WA 98133

Re: Election Office Case No. P-042-LU174-PNW

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 his protest, Douglas Frechin alleges that the Election Rules were violated by fellow employee Mark Johnson when he interfered with campaign related literature posted on the employee bulletin board of Yellow Freight System Mr Frechin also alleges that this conduct was encouraged by employer Yellow Freight System and by the Local Union 174

The investigation of this protest revealed the following facts Employees Douglas Frechin, Dean Ambler, Mark Johnson and Richard Kraft at all times material to this case were members of Local 174 employed by Yellow Freight at its Everett terminal Neither Johnson nor Ambler are officers or agents of Local Union 174

On or about September 1, 1990 Kraft purchased and installed an employee bulletin board in the break room of YFS Since that time Kraft and Frechin have used the bulletin board to post literature, some of which is election related

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During the week of October 28, 1990, when Frechin and Kraft were absent from work, someone removed literature, some of which was election related which had been posted by Frechin. There is no evidence as to who removed the literature. Frechin later reposted his literature.

On November 6, 1990 Dean Ambler and Mark Johnson covered all of Frechin's literature with newsprint. However, they did not post any literature or announcements of their own. On November 7, Dean Ambler removed and stacked all of Frechin's literature into one pile and reposted it. Ambler did not post any literature or announcements in space he created on the board.

The Election Officer found no evidence that the employer was aware of, authorized or ratified the conduct of Johnson and Ambler.

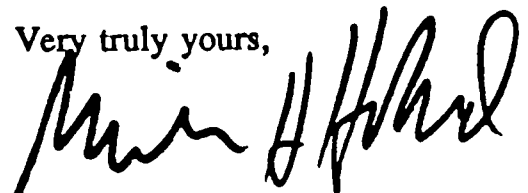
Article VIII, Section 10(d) of the Election Rules states that "No restrictions shall be placed on candidates' or members' pre-existing rights to use employer or Union bulletin boards for campaign publicity. Similarly, no restrictions shall be placed upon candidates' or members' pre-existing rights to 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 equally available on the same basis to all candidates and members." By covering over or rearranging Frechin's election related literature, Ambler and Johnson interfered with Frechin's rights to post election related material.

To remedy this violation of the Election Rules, the Election Officer orders the enclosed notice to be posted on the aforementioned Union Bulletin Board at the Everett facility of the Yellow Freight System, and remain there for a period of thirty days.

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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 on evidence that was not provided to the Regional Coordinator in any appeal of the Election Officer's determination regarding the protest.

Very truly yours,



Michael H Holland

MHH/mjv

cc Christine M Mrak, Regional Coordinator
Webster, Mrak & Blumberg
600 Puget Sound Plaza
1325 Fourth Avenue
Seattle, WA 98101
Tel 206-223-0344
Fax 206-223-0316

Allen McNaughton
Secretary-Treasurer
IBT Local Union 174
553 John Street
Seattle, WA 98109

Frederick B Lacey, Independent Administrator

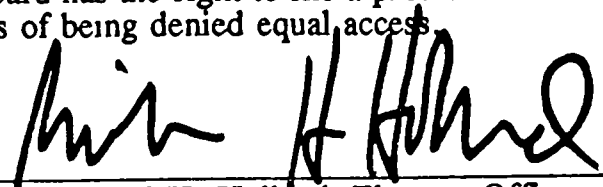
**NOTICE TO ALL MEMBERS OF IBT LOCAL UNION 174
FROM MICHAEL H. HOLLAND, ELECTION OFFICER, IBT
ELECTION OFFICERS NOTICE**

You have the right to campaign on behalf of any candidate for delegate or International Office

All candidates or their representatives have the right of equal access to post campaign literature in the places where any candidate has been permitted to post campaign literature

It is a violation of the *Rules for the IBT International Union Delegate and Officer Election*, Article VIII, Section 10 to interfere with the right of equal access by covering up, rearranging, or removing campaign literature

Any candidate or candidate representative denied access space on a bulletin board has the right to file a protest with the Election Office within 48 hours of being denied equal access.



Michael H Holland, Election Officer

This is an official notice and must remain posted for thirty consecutive days from the day of the posting, and must not be altered, defaced, or covered by any other material.

Prepared and approved by Michael H Holland, Election Officer, IBT