

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624-8778
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Michael H. Holland
Election Officer

November 14, 1991

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

VIA FACSIMILE WHERE INDICATED AND UPS OVERNIGHT

Terry Eads
202 S. Lincoln
Cabot, AR 72023

Daryl Galbrath
ABF Systems
3100 Springhill Dr.
N. Little Rock, AR 72117

Billy Patrick
President
IBT Local Union 878
6000 Patterson Ave.
Little Rock, AR 72219

Re: Election Office Case No. P-1058-LU878-SOU

Gentlemen:

A protest was filed with the Election Office pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In his protest Terry Eads alleges that the *Rules* were violated by ABF Systems, when it permitted members and supporters of the R.V. Durham Unity Team to enter the ABF terminal at 3100 Springhill Drive in North Little Rock, Arkansas and to campaign among IBT members at that facility while they were on work time. The Election Officer's investigation revealed the following.

On November 5, 1991, Don West, a nominated candidate for Vice President for the Southern Conference of Teamsters and a member of the R.V. Durham Unity Team, Billy Patrick, a supporter of the R. V. Durham Unity Team candidates and another unidentified supporter of the Unity Team entered the ABF terminal on Springhill Drive in North Little Rock. They were permitted into the employee breakroom and campaigned among employees who where on their break. The usual break time is ten minutes, however the employer permitted IBT members, without loss of pay, to extend their breaks to a half hour so that they could hear the entire presentation by the three Durham campaigners.

In response to the instant protest, ABF has agreed to permit similar access to its facility to members or credentialed representatives of the Ron Carey Slate and the Shea-Ligurotis Action Team as well as T. C. Stone and W. C. ("Willie") Smith, the two independent candidates for Vice President for the Souther Conference, or their credentialed representative. Such access shall be to the break room. Access shall be permitted for a maximum of three members or supporters of each of the two affected slates and two independent candidates. The candidates, or their credentialed

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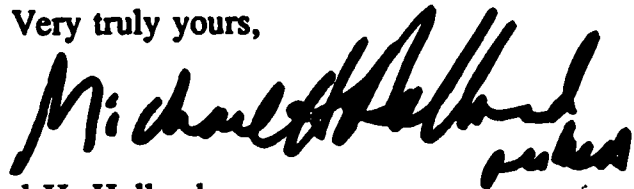
representative, and supporters shall be entitled to make a presentation to IBT members employed at this ABF facility while such members are on their breaks and for twenty (20) minutes thereafter, a total of thirty (30) minutes of which ten (10) minutes is the break period. The members attending such campaign presentations may do so without loss of pay. The campaigners shall be permitted to distribute campaign literature as part of their presentations.

Slates or candidates wishing such access shall notify Daryl Galbrath, the ABF terminal manager at the North Little Rock facility twenty-four (24) hours in advance of their campaign visit. Requests will be honored on a first come, first served basis. No two slates and/or independent candidates shall give presentations at the same time.

Based on the forgoing, the Election Officer considers this matter resolved. No appeal of this determination will stay the implementation of this decision. See *Rules*, Article XI, §2(z).

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,

A handwritten signature in black ink that reads "Michael H. Holland". The signature is written in a cursive style and includes a small mark at the end that looks like "rsked".

Michael H. Holland

cc: Frederick B. Lacey, Independent Administrator, IBT
Larry R. Daves, Regional Coordinator

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Via Facsimiles and Overnight to the following:

T.C. Stone
FAX: 214-389-3216

W.C. (Willie) Smith
FAX: 601-371-8008

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c/o Richard Gilberg, Esquire
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Eddie Burke
26 Bradford Street
Main Front Door
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R. V. Durham
c/o Hugh J. Beins, Esquire
Beins, Axelrod, Osborne
& Mooney
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Walter Shea
c/o Robert Baptiste, Esquire
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c/o IBT Local Union 115
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