



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H. Holland
Election Officer

File

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November 26, 1991

VIA FACSIMILE AND UPS OVERNIGHT

Homer C. Mann
3712 North Berkley Circle
Cincinnati, Ohio 45236

Bill Wright
6909 Kyles Station Road
Midd., Ohio 45044

Al Walker
11436 Geneva Road
Cincinnati, Ohio 45236

Michael H. Dickens
President
IBT Local Union 100
2100 Oak Road
Cincinnati, Ohio 45241
(FAX: 513-769-4420)

Edward Goldstein
Harry's Corner
2300 East Kemper Road
Cincinnati, Ohio 45241
(FAX: 513-771-5359)

Re: Election Office Case No. P-1117-LU100-SCE¹

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 their protest IBT members Homer Mann, Al Walker and Bill Wright allege that Harry's Corner, an employer of IBT members, violated their rights under the *Rules*. The Election Officer's investigation revealed the following.

Homer C. Mann, Al Walker and Bill Wright are members of the IBT and IBT Local Union 100. Harry's Corner is a carpet retailer in Cincinnati and employs delivery drivers who are members of Local Union 100. Neither Mann, Walker or Wright are employees of Harry's Corner. On November 20, 1991, they sought access to the interior of the employer's facility to distribute campaign literature to the three drivers employed there and to post campaign literature on a union bulletin board. They were denied access to the facility by the store manager.

¹ The protest was erroneously acknowledged by letter dated November 25, 1991 as P-1117-LU1199-SCE. The correct number is as reflected above.

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Article VIII, § 10(d) of the *Rules* provides that no restriction may be placed on IBT members' pre-existing rights to campaign in the facilities of employers of IBT members. The pre-existing rights of IBT members other than those employed by the particular employer are, however, limited. See Advisory Regarding Political Rights, issued December 28, 1990. Absent a policy or practice providing greater access, IBT members not employed by a particular employer have no right of access to the interior of that employer's facility for campaign purposes. The Election Officer's investigation found no evidence that any IBT members not employed by Harry's Corner have ever been previously permitted access to the interior of the employer's facility for campaign purposes, to distribute campaign literature or for any other reason unrelated to official Union business.

During the course of the investigation of this matter the Election Office Regional Coordinator interviewed the individual in charge of personnel for Harry's Corner, Ms. Deborah Dalton; Ms. Dalton informed the Regional Coordinator that she would insure that any campaign literature provided to her by IBT members not employed by Harry's Corner would be posted on the bulletin board at its facility. No greater access is required under the *Rules*. The Regional Coordinator has orally informed the members filing the protest of Ms. Dalton's statements and they have indicated that they will be providing her with literature for posting.

On the basis of the foregoing, the Election Officer considers this matter resolved.²

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,

² In their protest Mann, Walker and Wright allege that the store manager informed them that the employer did not have to post the Election Officer's Official Notice of Election. If the Notice of Election has not been posted, or if, for what ever reason, the notice has been removed, the Election Officer directs Harry's Corner to post the enclosed Notice of Election on the Union bulletin board at its facility.

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

cc: Frederick B. Lacey, Independent Administrator

Peggy A. Hillman, Regional Coordinator

**Ron Carey (By Facsimile)
c/o Richard Gilberg, Esquire**

**R. V. Durham (By Facsimile)
c/o Hugh J. Beins, Esquire**

**Walter Shea (By Facsimile)
c/o Robert Baptiste, Esquire**