



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H Holland
Election Officer

January 3, 1991

Chicago Office
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343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

VIA UPS OVERNIGHT

Scott T. Askey
434 S 2nd St. 1-A
Barstow, CA 92311

Bobby Molina
Business Agent
IBT Local 63
1616 West Ninth St.
Room 205
Los Angeles, CA 90015

Robert E Marciel
Secretary-Treasurer
IBT Local 63
1616 West Ninth St.
Room 205
Los Angeles, CA 90015

Re: Election Office Case No. P-117-LU63-CLA

Gentlemen:

A pre-election protest was filed pursuant to Article XI, § 1 of the *Rules for the IBT International Union Delegate and Officer Election*. In his protest, Scott Askey alleges that the *Rules* have been violated in that he has been prohibited from distributing campaign literature on a public street by security guards employed by Stater Bros. Grocery Warehouse.

The investigation shows the following Mr. Askey is a candidate for delegate to the 1991 IBT International Convention On December 10, 1990, he and another candidate for delegate were campaigning at 21700 Barton Road in Colton, California Barton Road is a public access road that abuts Stater Bros Grocery Warehouse Mr Askey, also a member of Local 63, is not an employee of Stater Brothers

Two security guards from Stater Brothers, a male and a female, informed Mr Askey that he would not be allowed to remain on Colton Road with his literature They informed Mr Askey that he could give his literature to Business Agent Bobby Molina for distribution. Mr Askey then left the area, and filed this protest to clarify his access rights

Scott T Askey
January 3, 1991
Page 2

Subsequent to the filing of the protest, Stater Brothers informed the Election Officer that the security guards were in error, and that, in fact, there would be no future interference with campaign activity on Barton Road, which they agree is a public road, or any other city-owned street or sidewalk

Based on this assurance from the Employer, the Election Officer finds that any violation of campaign rights that occurred on December 10, 1990 has been remedied

The protest did not allege that Local 63 precipitated or otherwise caused Stater Brothers to act in this regard; the Election Officer finds that there is no evidence that Local 63 participated in or colluded with the improper conduct of the Stater Brothers security guards on December 10, 1990.

The Election Officer reminds all parties that IBT members who are employees of Stater Brothers have campaign rights to talk to fellow members, hand out literature, and pass petitions in non-work areas during non-work time. Non-employee IBT members certainly have campaign access rights to any public street or public sidewalk. Furthermore, in certain areas non-employee members have even broader access rights to employer premises Jean Country; And Brook Shipping Centers, Inc.; and Retail and Wholesale Employees Union Local 305, 129 LRRM 1201 (1988)

In this case, since the Employer has confirmed with the Election Officer its intention to cease any interference with IBT members' campaign rights with respect to city-owned streets and sidewalks, and since there are no other allegations of discrimination or interference, the protest is DENIED.

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

Scott T Askey
January 3, 1991
Page 3

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, appearing to read "Michael H. Holland". The signature is written in a cursive, flowing style.

Michael H Holland

MHH/mjv

cc Frederick B Lacey, Independent Administrator

Geraldine L Leshin, Regional Coordinator

Stater Bros Grocery Warehouse

Gerry Fellman, Esq
510 S Marengo Ave
Pasadena, CA 91101-3115