



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAM UNIONS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624-8778
1-800-828-6496
Fax (202) 624-8792

Michael H Holland
Election Officer

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

January 24, 1991

VIA UPS OVERNIGHT

William Darsey
441 Wisso Rd.
Griffin, GA 30223

Charles Edward
Business Agent
IBT Local Union 528
2540 Lakewood Ave., SW
Atlanta, GA 30315

R Jerry Cook
President
IBT Local Union 528
2540 Lakewood Ave., SW
Atlanta, GA 30315

Re: Election Office Case No. P-276-LU528-SEC

Gentlemen:

A pre-election protest was timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In his protest, William Darsey contends that his petition for a stewards election was rejected at a Local Union meeting because he is a candidate for alternate delegate to the 1991 IBT Convention, and because his slate supports the candidacy of Ron Carey for IBT General President.

The investigation shows the following. The Local Union called a membership meeting to discuss proposals by an employer, Gold Star, to change operations on deliveries. The purpose of the meeting was to solicit the drivers' reaction to the proposal and to formulate a Union position.

At some point near the end of, or after, the meeting, Mr. Darsey attempted to present a petition to the Union calling for shop steward elections. The chair of the meeting, Mr. C.W. Edwards and Mr. Darsey then engaged in a heated exchange concerning the propriety of the petition. There was no evidence of any conversation in the meeting concerning the Local election for delegates. There was no evidence of any other type of IBT election-related campaign activity at the meeting.

William Darsey
Page 2

The Election Officer concludes that any "turmoil" that occurred at the January 13, 1991 meeting was related to intra-Union issues other than issues regarding or concerning the 1991 IBT International Union delegate or officer election. Further, the Election Officer investigation revealed no evidence that the remarks directed to Mr. Darsey were based on his candidacy for alternate delegate or any other campaign activity. Moreover, the Election Officer has no jurisdiction over matters unrelated to the IBT International Union delegate and officer election. Accordingly, 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 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

MHH/mca

cc. Frederick B. Lacey, Independent Administrator
Donald H. Williams, Regional Coordinator