

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMS, URS
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

February 19, 1991

VIA UPS OVERNIGHT

Art Persyko
1017 Castro Street
San Francisco, CA 94114

Dave Reardon
640 Waller Street
San Francisco, CA 94117

Ron Wells
Secretary-Treasurer
IBT Local Union 85
459 Fulton Street
San Francisco, CA 94102

Airborne Express
555 23rd Street
San Francisco, CA 94107

Re: Election Office Case No. P-463-LU85-CSF

Gentlemen:

A pre-election protest was filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Art Persyko and Dave Reardon, both members of Local Union 85. The protest alleges that on February 6, 1991, they were campaigning in the parking lot of Airborne, an employer of Local 85 members, and were advised by a management employee that they had to leave the parking lot and campaign outside the gate.

The Election Officer contacted the Company during the course of the investigation of this protest. The Company has agreed, consistent with the Election Officer's position, to provide IBT members not employed by it, access to its parking lot at its 555 3rd Street, San Francisco, California location, for the purposes of campaigning.

Such campaign access shall not be permitted during the hours of 7 00 a m to 9.00 a m and 5 00 p m to 7 00 p m. The Company states that campaigning during this time would be dangerous since trucks are loading and unloading. The Election Officer agrees to the above time restriction, based on the assurance by the Company that no IBT members employed by it report to or leave work during those hours.

In addition, the Company has agreed that members of the IBT employed by it may campaign in non-work areas during non-work times. Further, campaign literature may be posted by such members on general purpose bulletin boards located in the Company's

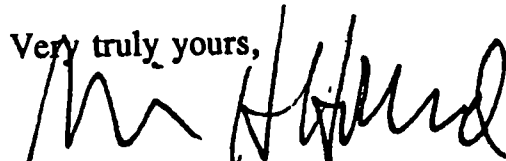
Art Persyko
Page 2

facilities.

Based on the above agreements, the Election Officer determines that this protest is **RESOLVED**. 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/ads

cc Frederick B Lacey, Independent Administrator
Donald E. Twohey, Regional Coordinator
Thomas K. Wotring, Esq.
1800 M Street, N.W.
Suite 800
Washington, D C. 20036