



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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March 4, 1991

VIA UPS OVERNIGHT

Ronald L Dillon
7573 Northridge Road
Johnstown, Ohio 43013

Harold Powell
4960 Heazleys Mill Road
Pataskala, Ohio 03062

Harold Speakman
President
IBT Local Union 284
555 East Rich Street
Columbus, Ohio 43215

Re: Election Office Case No. P-467-LU284-CLE

Gentlemen

A pre-election protest was timely filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest, Mr Ronald Dillon alleges that Mr Harold Powell, candidate for delegate to the 1991 IBT International Convention, has engaged in campaign activity in violation of the *Rules* ¹

The Election Officer's investigation shows the following Toward the end of August or the first of September of 1990, Harold Powell distributed campaign materials (ink pens) to drivers at Big Bear Mr Dillon believes that Mr Powell did so during working time Mr Powell states that he was on break time Mr Dillon was unable to provide any evidence, and the Election Officer found no evidence, that the distribution occurred during work-time

The second incident of improper campaigning allegedly occurred in December, 1990 At that time, Mr Powell and Mr Dillon were involved in a grievance meeting at the Big Bear site, along with two other grievance representatives During the time of a caucus by the Employer representatives, out of the presence of the Union representatives, Mr Powell asked Mr Dillon if Mr Dillon would support the Powell

¹The Election Officer also notes that the protest is untimely in that the protest was not filed within forty-eight hours of the alleged improper conduct *Rules*, Article XI, Section 1. The Election Officer deals with this protest, however, on its merits

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slate for delegate This is the only evidence of campaigning that was presented to the Election Officer

The *Rules* do prohibit campaign activity during working time and in work areas. The *Rules* permit, however, such campaign activity that is incidental to work. The Election Officer concludes that the campaign activity at issue in this protest is only incidental in nature and therefore permitted under the *Rules*. *Rules*, Article VIII, Section 10

Based on the foregoing, 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
Joyce Goldstein, Regional Coordinator