

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

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343 South Dearborn Street  
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February 18, 1991

**VIA UPS OVERNIGHT**

Clarence D. Marston  
161 Brushy Plains Road  
Branford, CT 06405

Edward Brereton  
Secretary-Treasurer  
IBT Local 443  
200 Wallace Street  
New Haven, CT 06507

Stop & Shop Companies  
300 Montowese Avenue  
North Haven, CT 06473

David Smith  
186 Atkins Street  
Meriden, CT 06540

Re: Election Office Case No. P-468-LU443-ENG

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 Clarence D. Marston, a member of Local 443. In his protest, Mr. Marston alleged that he and David Smith, an employee of Stop & Shop, and a member of Local 443 requested permission of the manager of the Stop & Shop warehouse to campaign on Stop & Shop property. On or about February 7, 1991, the Company advised Mr. Smith that no one from Local 443 was allowed to put up literature or campaign on Stop & Shop property.

The Election Officer has contacted the management of Stop & Shop in connection with the protest. Stop & Shop has agreed that the following campaign activities may take place at the facility known as the Stop & Shop Warehouse located in Connecticut:

1. Non-employees of Stop & Shop may have access to all parking lots at the above facility for the purpose of campaigning. Any nonemployee who wishes to campaign in the parking lots shall upon arrival report to the security gate and announce his/her presence on Company property;
2. All IBT members employed at Stop & Shop have the right to campaign in non-work areas during non-work times in any of the buildings of the above facility, regardless of the building assigned as their work location. In the event a member wishes to go to a building to which he is not

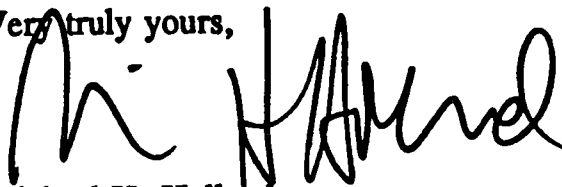
assigned for the purpose of campaigning during non-work time in a non-work area of that building, he must, upon arrival, announce his presence to the security guard; and

3. Any IBT member employed by Stop & Shop may post on any general purpose bulletin board campaign materials. The general purpose bulletin boards are those bulletin boards which are open and not enclosed in glass and locked.

In light of the above agreement, the Election Officer considers this protest **RESOLVED**<sup>1</sup>. Accordingly, the protest is **DENIED**.

If any person is not satisfied with this determination, he may request a hearing before the Administrator within twenty-four (24) hours of his receipt of this letter. Such request shall be made in writing and shall be served on Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, N.J. 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. 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.

Very truly yours,



Michael H Holland

MHH/mca

cc. Mr. Frederick B. Lacey, Independent Administrator  
Elizabeth A. Rodgers, Regional Coordinator

James Morgan  
Corporate Vice President  
Labor Relations  
Stop & Shop Companies, Inc.  
P O 369  
Boston, MA 02101

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<sup>1</sup>To the extent that the protest seeks a remedy requiring the employer to permit IBT members not employed by it access to the interior of its facilities, it is denied. An employer need not permit such access. See Advisory Regarding Political Rights. There is no allegation or evidence in this case that Stop & Shop has acted in a discriminatory fashion with respect to such access.