

***PRE-ELECTION
PROTEST
DECISIONS***

ELECTION OFFICE CASE NOS

P-501-LU722-SCE to P-550-LU375-PGH

VOLUME XI

***Michael H Holland
Election Officer
June 1992***

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Election Officer

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March 4, 1991

VIA UPS OVERNIGHT

Mark Serafinn
50 North Street
P O Box 105
Saunemin, Illinois 61760-0105

Gerald F Reilly
President
IBT Local Union 722
344 North 40th Road
LaSalle, Illinois 61301

Consolidated Freightways
Corp of Delaware
P O Box 481
Peru, Illinois 61354

Re: Election Office Case No. P-501-LU722-SCE

Gentlemen

A pre-election protest was filed on February 8, 1991 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 the complainant, Mark Serafinn, alleges that management officials of Consolidated Freightways Corp of Delaware ("*Consolidated*") removed campaign material and information concerning the 1991 IBT International Convention delegate and alternate position

In December of 1990, in connection with an earlier protest, Consolidated agreed, consistent with the Election Officer's position, that IBT members employed by it had the right to post literature on general purpose bulletin boards During the investigation of the instant protest, John T McGrath, dispatch operations manager for Consolidated, reaffirmed that policy

Mr McGrath further denied the allegation in the instant protest that he, or any other Consolidated supervisory employee, removed campaign literature from the bulletin board The Regional Coordinator has verified that the delegate election tally has been, and continues to be, posted at Consolidated

The Local Union delegate election in Local 722 was held on January 28, 1991 Mr Serafinn is protesting removal of campaign literature concerning that election subsequent to the election date Mr McGrath has also denied that any campaign

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literature was removed from the bulletin. The *Rules* do not require that campaign literature remain on the bulletin boards after the election. As is stated in the Advisory Regarding Political Rights, the right to post campaign literature on general purpose bulletin boards is subject to regulation including the length of time the material may remain posted. Even if such campaign material has been removed, it is clearly reasonable to clear campaign literature from bulletin boards after the campaign and election, which is the subject of the literature, is completed.

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
Peggy A. Hillman, Regional Coordinator