



OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
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

March 25, 1991

**VIA UPS OVERNIGHT**

Don Swartwood  
19401 North 7th Street, Sp 207  
Phoenix, Arizona 85024

Roadway Truck Company  
2021 South 51st Avenue  
Phoenix, Arizona 85043

W. Terry Moser  
Secretary-Treasurer  
IBT Local Union 104  
1450 South 27th Avenue  
Phoenix, Arizona 85009

**Re: Election Office Case No P-682-LU104-RMT**

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*") The complainant, Don Swartwood, alleges that Roadway Truck Company, his employer, is removing campaign literature from the Local 104 bulletin board

The bulletin board in question is a glass enclosed board Both the union stewards and the employer have keys to the board According to W. Terry Moser, Secretary-Treasurer of Local 104, the board was used as a general purpose board until the employer recently imposed restrictions on the posting of campaign materials The Union agrees, consistent with the Election Officer's position, that campaign materials should be posted on this bulletin board Local 104 further states that all candidates will have equal access to the board

In a discussion with the Election Office, the employer also has agreed, again consistent with the Election Officer's position, to permit campaign postings on the Union bulletin board at its Phoenix, Arizona facility

Based on the foregoing, this protest is hereby considered **RESOLVED**

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

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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  
Bruce Boyens, Regional Coordinator

Richard Bennett, Esq  
Roadway Services, Inc  
1077 Gorge Blvd  
P O Box 85  
Akron, OH 44309