

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H. Holland
Election Officer

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September 17, 1991

VIA UPS OVERNIGHT

James Benson
2425 West Banff Lane
Phoenix, Arizona 85023

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

Terry Reeves
Warehouse Operations Manager
Chuck Sharp
Human Resources Director
Safeway
115 West Alameda
Tempe, Arizona 85282

Re: Election Office Case No. P-892-LU104-RMT

Gentlemen:

A protest was filed with the Election Officer pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In his protest James Benson alleges that Jesus Mora, an IBT member, was denied access to the Safeway Warehouse in Tempe, Arizona. The Election Officer's investigation revealed the following.

On September 4, 1991, Jesus Mora attempted to distribute Ron Carey campaign literature on the property of the Safeway Warehouse in Tempe, Arizona. Mr. Mora is a member of the IBT, but is not employed by Safeway. Mora was told by the Safeway Warehouse Operations Manager that he could not distribute campaign literature anywhere on Safeway property.

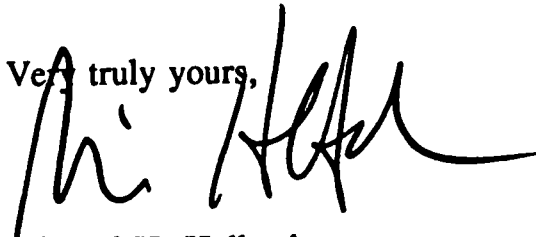
After the filing of this protest the Election Office Regional Coordinator contacted Safeway's Human Resources Director. As a result of those discussion Safeway has agreed, consistent with the Election Officer's interpretation of the *Rules* that IBT members not employed by it may have access to the employee parking lots at the Tempe Warehouse facility for campaign purposes. Such members shall give Safeway prior notice of their intent to engage in campaigning in the employee parking lot by calling Chuck Sharp, Human Resources Director at 602-894-4130.

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In light of the foregoing, the Election Officer therefore considers this matter **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 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

cc: Frederick B. Lacey, Independent Administrator, IBT
Bruce Boyens, Regional Coordinator