

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

Michael H. Holland
Election Officer

(202) 624-8778
1-800-828-6496
Fax (202) 624-8792

September 23, 1991

VIA UPS OVERNIGHT

Dennis Skelton
4119 Pasco
St. Louis, MO 63129

Bernard Morris
Secretary-Treasurer
IBT Local Union 245
1850 E. Division
Springfield, MO 65803

Fleming Foods
Attn: Personnel Dept.
336 South Barnes
Springfield, MO 65804

Roger Chappell
c/o IBT Local Union 245
1850 E. Division
Springfield, MO 65803

Re: Election Office Case No. P-904-LU245-MOI

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Dennis Skelton, a nominated candidate for IBT International Union Vice-President. In his protest, Mr. Skelton claims that at the instigation of a Local Union 245 steward, he was removed from the lunch room of the Fleming Foods warehouse facility in Springfield, Missouri where he had gone to post campaign literature. Mr. Skelton also alleges that he was not permitted to engage in campaign activities in the employee parking lot at the Springfield, Missouri Fleming Foods facility. Finally, Mr. Skelton contends that the Local 245 steward removed the campaign literature he had posted on the lunch room bulletin board prior to the time he was removed from the lunch room by Fleming supervisory employees. Mr. Skelton is neither an employee of Fleming nor a member of Local Union 245, the Union which represents IBT members employed at the Springfield, Missouri facility of Fleming Foods.

Article VIII, § 10 of the *Rules* prohibits the placement of restrictions upon candidates' or members' pre-existing rights to engage in campaign activities on employer premises or use general purpose bulletin boards located in employer premises for campaign postings. Neither the *Rules* nor the Advisory Regarding Political Rights,

issued December 28, 1990, require that employers, in the absence of a prior practice to the contrary, permit candidates or members not employed by them entry to the interior of their facilities for campaign purposes or to utilize general purpose bulletin boards maintained in the interior of such premises. The Election Officer's investigation has uncovered no evidence that Fleming has previously permitted IBT members not employed by it entry into its Springfield, Missouri premises other than in connection with such members' official collective bargaining responsibilities on behalf of the Union.

Nonetheless, Fleming has agreed, in an effort to help promote the underlying purposes of the March 14, 1989 Consent Order, to permit - with respect to the 1991 IBT International Union officer election IBT - members not employed by it entry into its Springfield, Missouri warehouse facilities for the purpose of posting campaign material on the bulletin board located in the lunch room of that facility. The Election Officer commends Fleming Foods and notes that its agreement to permit IBT members including those not employed by it to post campaign literature on the bulletin board at the Springfield, Missouri facility furthers the intent of Article VIII, § 10(d) of the *Rules*.

Fleming Foods has also agreed, consistent with the Election Officer's position, that IBT members including those not employed by it or employed at its Springfield, Missouri facility may engage in campaign activities in the employee parking lot at the Springfield, Missouri warehouse facility. Again, Fleming's agreement to permit such access is commendable and consistent with the underlying purposes of Article VIII, § 10(d) of the *Rules*.

The *Rules* prohibit interference by any IBT member, officer, business agent or steward with the campaign activities of any candidate for International office the International Union election campaign activities of or any other member of the IBT. The prohibition extends to removal of campaign material properly posted by any candidate or member. To insure against a repetition of the acts Mr. Skelton alleged were committed by the Local's steward¹, Local 245 agrees to post the attached notice on all Local Union bulletin boards at the Springfield, Missouri facility of Fleming Foods. The attached notice should be appropriately duplicated by Local Union 245 and posted by it on all Local Union bulletin boards at the Springfield, Missouri warehouse facility of Fleming Foods within five days of the date of this letter. Within such same five-day period, Local Union 245 shall submit an affidavit to the Election Officer demonstrating that it has in fact properly posted the notice.

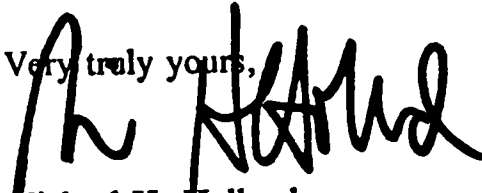
In accordance with the foregoing, the instant protest is considered **RESOLVED**.

¹Since the Election Officer believes that the posting adequately remedies the violation alleged with respect to the Local's steward, assuming that the allegations are true, the Election Officer has not investigated or determined the truth or falsity of such allegations.

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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/mjv

cc: Frederick B. Lacey, Independent Administrator

Michael D. Gordon, Regional Coordinator

Richard C. Lynn
Vice President, Labor Relations
Fleming Companies, Inc.
6301 Waterford Blvd.
Oklahoma City, OK 73126-0647

**NOTICE TO TEAMSTER MEMBERS
FROM MICHAEL H. HOLLAND, ELECTION OFFICER, IBT**

You have the right to participate in campaign activities on behalf of candidates for International Office in the IBT.


You have the right to engage in such campaign activities, including the distribution of campaign materials, on the employer's premises in non-work areas during non-work time.

You and your fellow members - including those not employed by Fleming Foods - have the right to engage in campaign activities in the employee parking lot at this facility.

You and your fellow members - including those not employed by Fleming Foods - have the right to post campaign materials on the bulletin board located in the lunch room of this facility.

No IBT officer, business agent, steward or any other member may interfere with your rights or the rights of your fellow IBT members to engage in the campaign activities outlined above.

Any protest you may have regarding your rights to engage in campaign activities or alleged interference with your rights by other IBT members should be filed with Michael H. Holland, Election Officer, at the above address.



MICHAEL H. HOLLAND
Election Officer, IBT

This is an official notice and must remain posted for thirty (30) consecutive days from the day of posting, and must not be altered, defaced, or covered by any other material.