

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
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October 2, 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

Associated Wholesale Grocers
Attn: Stan Creson, Shift Supervisor
3201 E. Division St.
Springfield, MO 65802

Fred Tiede
c/o IBT Local Union 245
1850 E. Division
Springfield, MO 65803

Re: Election Office Case No. P-905-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 candidate for International Union Vice President. Mr. Skelton alleges that on September 15, 1991, he attempted to campaign in the warehouse of Associated Wholesale Grocers (AWG), an employer of IBT members, with three members of Local 245, two of whom were employees of AWG. Mr. Skelton is not employed by AWG.

Mr. Skelton went to the lunch room accompanied by the three Local 245 members and began talking with IBT members there on lunch break and passing out campaign literature. Mr. Skelton maintains that a Union steward, Mr. Tiede, interrupted his speech and left to advise management that he was in the lunch room. Thereafter, the shift supervisor, Stan Creson, came into the lunch room and asked Mr. Skelton to leave the premises. Mr. Skelton further alleges that campaign literature has been removed from the bulletin boards.

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 revealed no evidence that AWG 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. The investigation further revealed that Mr. Skelton initially gained entry into the AWG facility by informing the security guard that he was a representative from the Union with material to post on the bulletin boards.

Accordingly, the Election Officer DENIES the protest of Mr. Skelton insofar as it requests access to the interior of the AWG facility in Springfield, Missouri.

To the extent that Mr. Skelton complains that members employed by AWG are being denied their rights to campaign on the premises of AWG, AWG has agreed, consistent with the position of the Election Officer, that for the duration of the 1991 IBT International Union officer election, IBT members employed by it may 1) campaign in non-work areas during non-work times; 2) gain entry to the facility on days or at times they are not scheduled to work to campaign in non-work areas; and 3) post campaign literature on the bulletin board in the lunch room which AWG agrees is a general purpose bulletin board. Accordingly, to the extent the protest of Mr. Skelton alleges restrictions on the rights of IBT members employed by AWG to campaign and post campaign material, the Election Officer considers this portion of the protest RESOLVED.

Finally, the protest of Mr. Skelton indicates that campaign material has been removed from the general purpose bulletin board. No evidence has been presented to indicate the identity of any persons responsible for removing campaign literature from the bulletin board at AWG.

A protest, however, was previously filed concerning the removal of campaign material from the general purpose bulletin board. (Election Office Case No. P-593-LU245-MOI). That protest was resolved with the Election Officer directing the Local Union to post a notice on Union bulletin boards located at AWG so that all IBT members had notice of their campaign rights in this election. That notice was posted during the delegate election and proved apparently effective.

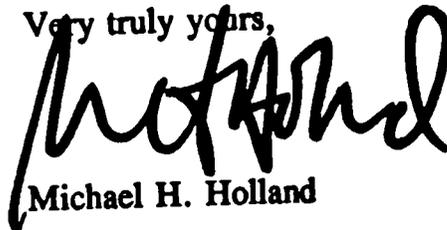
The notice is now no longer posted. While removal of the posting was not improper under the *Rules*, the lack of such posted notice has led to campaign material again being removed from the bulletin board. Accordingly, the Election Officer directs the Local Union to post another notice, attached hereto, on all Union bulletin boards located at Associated Wholesale Grocers warehouse and maintain such posting through December 10, 1991, so that all IBT members are again made aware of their campaign rights and that removal of campaign postings is a violation of the *Rules*. The Local shall

Dennis Skelton
Page 3

file an affidavit with the Election Officer within five days of this decision demonstrating that this posting has been accomplished.

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

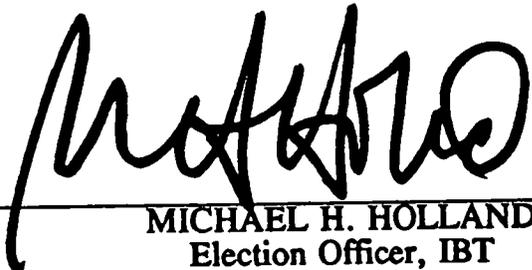
NOTICE TO TEAMSTER MEMBERS
FROM MICHAEL H. HOLLAND, ELECTION OFFICER, IBT

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

You have the right to post campaign material on general purpose bulletin boards, that is, bulletin boards that have been used in the past for posting in addition to or other than Union business.

You have the right to campaign on Company premises in non-work areas during non-work time.

It is a violation of the *Election Rules* for any company official, Union officer, business agent, steward, or member to remove campaign postings.



MICHAEL H. HOLLAND
Election Officer, IBT

This is an official notice and must remain posted until December 10, 1991 and must not be altered, defaced, or covered by any other material.