

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

Chicago Office:
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

Michael H Holland
Election Officer

October 16, 1991

VIA UPS OVERNIGHT

Dennis Nagle
13 Bourne Avenue
Attleboro, MA 02703

William J. McCarthy
President
IBT Local Union 25
544 Main St.
Boston, MA 02129

Neal Henderson
36 Waverly Street
Brockton, MA 02401-3408

Nona Cusick
c/o Star Market
625 University Ave.
Norwood, MA 02062

Re: Election Office Case No. P-930-LU25-ENG

Gentlemen:

A protest was filed with the Election Office pursuant to Article XI of the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990 ("Election Rules"). In that protest Dennis Nagle alleges that his employer, Star Market, imposed restrictions on his access to other IBT members employed at the employer's Norwood facility in retaliation for his campaign activity.¹ The Election Officer's investigation revealed the following.

Dennis Nagle is a member of Local Union 25 and a shop steward representing IBT members in the grocery warehouse of Star Market's Norwood, MA facility. Mr. Nagle is an active supporter of Ron Carey and his slate of candidates for International office and has campaigned on their behalf among fellow Star Market employees. On the evening of September 19, 1991, General President candidate Ron Carey entered the Norwood facility in the company of Mr. Nagle and Neil Henderson. Mr. Henderson was terminated by Star Market but his termination was vacated by an order of the Election Officer, affirmed by the Independent Administrator, and he was ordered reinstated. At the time of the events which gave rise to this protest, Mr. Henderson had not been reinstated.²

¹ Mr. Nagle also alleges that he was criticized by his employer for bringing Neal Henderson into the facility without signing the visitors book and for delaying the completion of work at the facility as a result of his campaign activity. Mr. Nagle does not allege, and the Election Officer did not find, that he was disciplined for this alleged conduct.

² Star Market, through its counsel, has informed the Election Officer that it will not comply with the order reinstating Mr. Henderson. The Election Officer has taken steps to insure Star Market's compliance with its order.

Dennis Nagle
October 16, 1991
Page 2

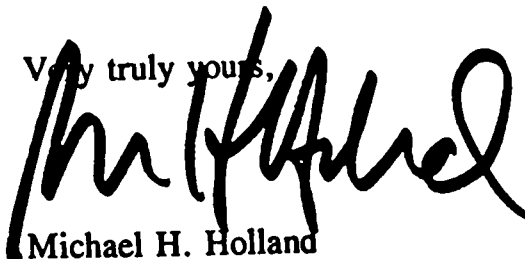
Mr. Nagle alleges that when he returned to work on September 23, 1991 he was told by his supervisor, Grocery Warehouse manager Nona Cusick, that he could not go over to the produce, salvage or freezer terminals or to the drivers room on non-work time because he was not a steward for those areas. Ms. Cusick also allegedly stated that Mr. Henderson was not a Star Market employee and that he should have signed in as a visitor whne he visited the facility. Finally, Cusick is alleged to have accused Nagle and his fellow campaigners of being responsible for delays in the completion of the selection and loading of produce for delivery on the morning of September 20, 1991.

No adverse action was taken by Star Market against Nagle based on the these allegations. Moreover, the employer has informed the Election Officer that the prior practice of permitting Mr. Nagle to visit the non-work areas of the Produce, Salvage and Freezer terminals and the driver's room during his non-work time remains in effect. Star Market's request that Mr. Nagle inform his supervisor when he is going to these other facilities is not a requirement, simply a request.

On the basis of the forgoing the Election Officer 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
Election Officer

cc: Frederick B. Lacey, Independent Administrator

Dennis Nagle
October 16, 1991
Page 3

Elizabeth A. Rodgers, Regional Coordinator

Robert J. Bray, Jr.
Elliott, Bray & Riley
2700 Centre Square West
Philadelphia, Pennsylvania 19102