

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H Holland
Election Officer

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343 South Dearborn Street
Chicago, IL 60604
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October 23, 1991

VIA UPS OVERNIGHT

Bilal Chaka
2831 Magnolia
Long Beach, California 90806

Del Ecker
McDonnell Douglas
3855 Lakewood Avenue
Long Beach, California 90807

Monte K. Ogden
Secretary-Treasurer
IBT Local Union 692
3888 Cherry Avenue
Long Beach, California 90807

Re: Election Office Case No. P-959-LU692-CLA

Gentlemen:

The protest was filed pursuant to *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Bilal Chaka, a member of Local 692 and a supporter of the International Union officer candidates on the Ron Carey Slate. Mr. Chaka complains that his election related campaigning on the premises of the McDonnell-Douglas site in Long Beach, California was impeded because he was required by management to leave the company's property.

Mr. Chaka is not employed by McDonnell-Douglas. However, McDonnell-Douglas does employ IBT members within the jurisdiction of Local 692. On October 3, 1991 between 5 a.m. and 6 a.m. Mr. Chaka was in one of the yards on the property of McDonnell-Douglas distributing campaign material and selling tee-shirts. Two managerial employees approached him and stated that he had to leave the property unless he was an employee or had a guest pass. Mr. Chaka explained that he was campaigning; however, management personnel reiterated their request that he leave the premises.

The McDonnell-Douglas facility in Long Beach is an extremely large facility consisting of numerous work areas and various entrance gates. All Local 692 members employed by McDonnell-Douglas at this site work in the transportation yard and enter their work area through Gate 56. Gate 56 is located on the property of McDonnell-

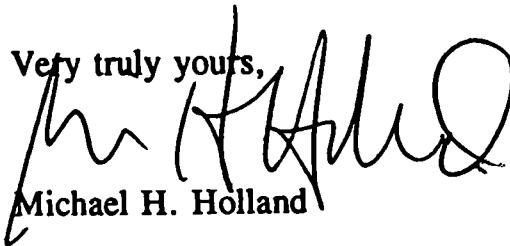
Douglas. IBT members generally start work between 5:00 a.m. and 7:00 a.m. or between 2:30 p.m. and 3:30 p.m.

Consistent with the Election Officer's position with respect to the rights of IBT members under the *Rules*, McDonnell-Douglas has agreed to permit IBT members not employed by it access to its property at the entry to the transportation yard at Gate 56 for the purpose of campaigning, including the distribution of campaign literature. Access to the facility is limited to this area; IBT members shall not be afforded access into the yard area. Vending, such as the sale of tee-shirts, shall not be permitted.¹

IBT members not employed by McDonnell-Douglas who seek access the company's property to campaign at the entrance at Gate 56 shall give advance notice to Richard Donnelly, Labor Relations Manager at McDonnell-Douglas. Mr. Donnelly can be reached at 213-593-3405 during regular business hours. All IBT members are urged to advise Mr. Donnelly of their intent to be present on the property at least 48 hours in advance so that the appropriate supervisory and security personnel may be notified. The Election Officer determines that this protest is considered RESOLVED in accordance with the foregoing.

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

¹ There is no evidence that the company has ever permitted fundraising on its property, particularly by individuals not employed by it. There is no substantive legal right to vend on company property and accordingly, absent past practice, no such right under Article VIII, § 10(d) of the *Rules*.

Bilal Chaka
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cc: Frederick B. Lacey, Independent Administrator

Geraldine L. Leshin, Regional Coordinator

**Richard Donnelly
McDonnell Douglas Corporation
Douglas Aircraft Company
3855 Lakewood Boulevard
Long Beach, CA 90846**