

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

October 23, 1991

VIA UPS OVERNIGHT

John Bryan
109 Crocus
Lake Jackson, TX 77566

A. W. Parker
Secretary-Treasurer
IBT Local Union 968
3100 Katy Freeway
Houston, TX 77270

Grocery Supply Co.
Attn: Harold Chargois, Security Dept.
3131 E. Holcombe Blvd.
Houston, TX 77021-2199

Re: Election Office Case No. P-981-LU968-SOU

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by John Bryan, an IBT member and supporter of Ron Carey for General President. In his protest, Mr. Bryan complains that on October 9, 1991 his election campaigning at Grocery Supply Company, Houston, Texas was impeded because he was required to leave the premises by company security personnel. Mr. Bryan is not an employee of Grocery Supply Co.

Article VIII, §10 of the *Rules* provides that no restrictions be placed upon a member's preexisting rights to campaign, including the right to engage in distribution of literature on employer premises. There is a substantive federal right to engage in communication and solicitation with respect to intra-union election activity and employer's rights to private property must accommodate the right to engage in such campaign activities. Since this right is an existing right under substantive federal law, it is protected under Article VIII, §10(d) of the *Rules*.

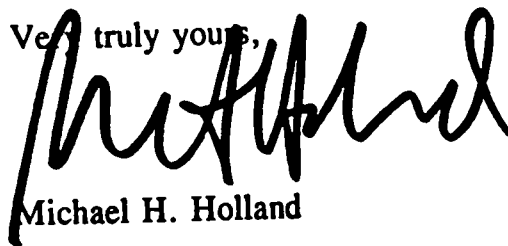
The investigation of this protest revealed that the employer herein, Grocery Supply Co., is not an employer of IBT members. Therefore, Mr. Bryan has no right either under federal law or the *Rules* to access to the private property of Grocery Supply Co. for the

John Bryan
October 23, 1991
Page 2

purpose of communication and solicitation with respect to an intra-union election involving the IBT. Accordingly, the protest is DENIED.

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/ca

cc: Frederick B. Lacey, Independent Administrator
Larry R. Daves, Regional Coordinator

MHH/cb