

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

Michael H Holland
Election Officer

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

October 30, 1991

VIA UPS OVERNIGHT

Charles Donahue
P. O. Box 1358
Stow, Ohio 44224

F. W. Albrecht
2700 Gilchrist Road
Akron, Ohio 44305

Dan Darrow
Secretary-Treasurer, IBT Local Union 348
272 West Market Street
Akron, Ohio 44303

Re: Election Office Case No. P-993-LU348-CLE

Gentlemen:

A protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Charles Donahue, a member of Local Union 24 and a supporter of General President candidate Ron Carey and the other candidates on the Ron Carey Slate. Mr. Donahue alleges his rights under the *Rules* were abridged. He states that on October 16, 1991, he was campaigning in the lunch room of the F. W. Albrecht Grocery Company located on Gilchrist Road in Akron, Ohio ("*Albrecht*") with another IBT member when they were told to leave the premises by an individual wearing a Local 348 jacket and, to prevent confrontation, did so.

This protest was investigated by Regional Coordinator Joyce Goldstein. The investigation revealed that on October 16, 1991, Charles Donahue and Harry Whitcraft, both IBT members of Local 24 but neither employees of Albrecht, were campaigning in the lunch/break room used by employees of the Albrecht at its facility located on Gilchrist Road in Akron, Ohio. Albrecht employs over 250 IBT members, all of whom are members of Local 348. Both Mr. Donahue and Mr. Whitcraft were engaged in conversation with members in the lunch room when Mr. Donahue was approached by someone wearing a Local 348 jacket. This individual told Mr. Donahue that he should sit by himself and not talk to the other members, since IBT members employed by Albrecht's support Dan Darrow, a candidate for International Union Vice President on the Shea-Ligurotis Action Team slate and the principal officer of Local 348.

After a brief conversation, this same individual then told Mr. Donahue and Mr. Whitcraft to leave the property. Messrs. Donahue and Whitcraft did so.

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There is no allegation and no evidence that Albrecht or any of its supervisory or managerial employees were involved with the requests made to Messrs. Donahue and Whitcraft. Albrecht has previously permitted IBT employees not employed by it to have access to its lunchroom for campaigning purposes.

Article VIII, § 10(d) of the *Rules* provides that no restrictions shall be placed on candidates' or members' pre-existing rights to engage in campaign activities on employer premises. The opportunity to engage in such activities on employer premises, once established, must be made equally available on the same basis to all candidates and members. Consistent with the *Rules*, management representatives of Albrecht's have agreed that any IBT member, whether or not employed by it, including but not limited to candidates for International Union office, shall be allowed access to its employee lunch or break room for the purpose of campaigning among IBT members employed by Albrecht's. Each such member, upon entering the premises, shall sign in at the reception area at the facility. The protest is considered RESOLVED on this basis.

In light of the remarks made to Messrs. Donahue and Whitcraft and to help ensure that all IBT members employed at Albrecht's are ware that their fellow members have campaign rights--that is, the right to be in the lunch or break room, to talk to other members, to pass out campaign literature and the like--Local Union 348 shall post, within three days of the date of this decision, the attached Notice on all Union bulletin boards located at the Gilchrist Road, Akron, Ohio facility of Albrecht's. Local 348 is directed to file an affidavit with the Election Officer evidencing its compliance with this requirement within seven (7) days of the date of this letter.

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

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MHH/mjv

cc: Frederick B. Lacey, Independent Administrator
Joyce Goldstein, Regional Coordinator

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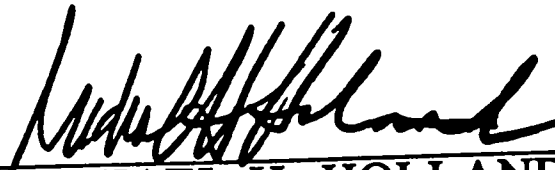
**NOTICE TO TEAMSTER MEMBERS
FROM MICHAEL H. HOLLAND, ELECTION OFFICER, IBT**

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 your employer's premises in non-work areas during non-work time.

Members who are not employed by your employer have the right to engage in such campaign activities, including the distribution of campaign materials, on your employer's premises in the break or lunch room.

Any protest you have regarding your rights to engage in campaign activities 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 through December 10, 1991 and must not be altered, defaced, or covered with any other material.