

November 25, 1996

VIA UPS OVERNIGHT

Junior Mann
3712 N. Berkeley
Cincinnati, OH 45236

Dale Arthur
42 Ridgewood Drive
Alexandria, VA 41001

Ron Carey Campaign
c/o Nathaniel Charny
Cohen, Weiss & Simon
330 W. 42nd Street
New York, NY 10036

Sysco Foods
10510 Evendale Drive
Evendale, OH 45241

James C. Frooman
Lindhorst & Dreidame
212 Walnut Street, Suite 2300
Cincinnati, OH 45202

Bradley T. Raymond
Finkel, Whitefield, Selik, Raymond,
Ferrara & Feldman
32300 Northwestern Highway, Suite 200
Farmington Hills, MI 48334

Re: Election Office Case No. P-1266-LU114-SCE

Gentlemen:

A pre-election protest was filed pursuant to Article XIV, Section 2(b) of the ***Rules for the 1995-1996 IBT International Union Delegate and Officer Election*** ("Rules") by Junior Mann and Dale Arthur, members of Local Union 100. The protesters allege that they were prevented from campaigning for Ron Carey, the incumbent general president, inside an employer facility where supporters of James P. Hoffa, a member of Local Union 614 and a candidate for general president, are routinely admitted and allowed to campaign. The protesters contend that provision of such disparate access violates the **Rules**.

The employer, SYSCO Food Services in Cincinnati, Ohio, responds that it forbids campaigning by non-employees inside its facility. The employer states that this policy has been evenly applied but that non-employee supporters of both Messrs. Carey and Hoffa have, on one occasion each, entered the facility to campaign without the knowledge of the employer. He states that each event lasted approximately 15 minutes and was ended by management as soon as it came to their attention.

Adjunct Regional Coordinator Joe F. Childers investigated the protest.

The investigation revealed that agents of Local Union 114 have campaigned at the facility but that such campaigning was incidental to legitimate union business conducted at the work site. The employer allows employees to campaign on the premises but may refuse access to individuals who have no legitimate reason to enter the facility other than to campaign. The protesters requested access to the facility solely to campaign. As a result, the employer may deny them access without violating the **Rules**. The campaigning of union agents conducting union business at the work site does not violate the **Rules** or create a need for equal access by non-employees because the agents were at the facility on legitimate union business and the campaigning they engaged in was incidental to this work.

Accordingly, the protest is DENIED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one day of 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:

Kenneth Conboy, Esq.
Latham & Watkins
885 Third Avenue, Suite 1000
New York, NY 10022
Fax (212) 751-4864

Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 N. Capitol Street, Suite 855, Washington, D.C. 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel
Election Officer

cc: Kenneth Conboy, Election Appeals Master
Joe F. Childers, Adjunct Regional Coordinator