



OFFICE OF THE ELECTION OFFICER
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Michael H. Holland
Election Officer

October 26, 1990

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343 South Dearborn Street
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VIA UPS OVERNIGHT

Mr. Bobby J. Andrews
811 Marion Boulevard
Marion, Indiana 46953

Mr. Danny L. Barton
Secretary-Treasurer
IBT Local Union 135
1233 Shelby Street
Indianapolis, Indiana 46203

Re: Election Office Case No. P-022-LU135-SCE

Gentlemen:

A pre-election protest was filed with this office pursuant to the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990 ("Election Rules"). In that protest the complainant alleges that Local Union 135 violated Article VIII (1)(c) of the Election Rules by denying his request for a copy of a complete work site list for employers within the jurisdiction of Local Union 135. For the reasons set forth below, I do not find, on the basis of the evidence presented, that the Election Rules have been violated.

Article VIII Section 1(a) of the Election Rules states that candidates have the right to inspect and make notes from all collective bargaining agreements covering any member of the Local Union. Article VIII Section 1 (c) provides that this obligation may be satisfied by the Local Union providing, to the candidate, a list of all the sites, with addresses, where any and all of its members work. While the Local Union has the option to provide a work site list to candidates, as an alternative to contract inspection, it is not required to do so. However, if a Local Union provides a site list to any candidate, it must provide a site list to all candidates who request one.

In the instant case the Local Union has not elected to provide a site list to candidates in lieu of permitting candidates to inspect and make notes from collective bargaining agreements. Moreover, the Local Union maintains that a site list does not exist. The complainant has presented no evidence to the Regional Coordinator that a site list exists or that it has been made

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available to other candidates by the Local Union. Because no such evidence has been presented, the instant protest must be denied. This denial is without prejudice however, and the complainant may file a new challenge if, and when, he becomes aware of facts to support an allegation of the existence of a site list that has been made available by the Local Union to other candidates.

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. Such request shall be made in writing and shall be served on Independent Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, N J. 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 / JJS

Michael H. Holland
Election Officer

cc: Frederick B. Lacey, Independent Administrator, IBT
Peggy A Hillman, Regional Coordinator