



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

December 17, 1990

VIA UPS OVERNIGHT

John D. Kirby
5902 Burwick Drive
Indianapolis, IN 46256

Gary T. Gregory
9601 Bakeinay Drive
Indianapolis, IN 46231

Dale Oliver
Asst. Terminal Manager
Consolidated Freightways
3915 West Morris Street
Indianapolis, IN 46241

John L. Neal, President
Local Union 135
IBT
1233 Shelby Street
Indianapolis, IN 46203

Re: Election Office Case No. P-070-LU135-SCE

Gentlemen:

A pre-election protest was filed under Article XI, §1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). The protest challenges the propriety of a notice posted by Dale Oliver, Assistant Terminal Manager, of the Indianapolis terminal of Consolidated Freightways alleging that the notice is volative of the pre-existing rights of IBT members as set forth in Article VIII, §10(d) of the Rules. The protest does not allege that Mr. Oliver's posting of such notice was instigated or condoned by Local Union 135; the Election Officer has determined that no such instigation, nor condonation occurred.

The Election Officer has communicated with appropriate managerial personnel of Consolidated Freightways who have agreed, consistent with the Election Officer's position, that IBT members employed by Consolidated Freightways are entitled to use "general purpose" bulletin boards, that is bulletin boards that have historically been used for posting of materials other than or in addition to official Company and Union notices, for posting of campaign material. Such managerial personnel of Consolidated Freightways have also agreed, again consistent with the Election Officer's position, that IBT members employed by Consolidated

Officer's position, that IBT members employed by Consolidated
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Freightways have the right to engage in campaign activities in non-work areas during non-work times. The Election Officer has been assured that Mr. Oliver and all other appropriate supervisory employees of Consolidated Freightways will be advised of the foregoing.

The Election Officer has determined that the above protest is properly resolved in accordance with the foregoing. However, to eradicate any confusion that may be present as the result of the notice posted by Mr. Oliver, the Election Officer, pursuant to his authority under the Rules and ¶12(d) of the Consent Order, directs that Local Union 135 post the attached notice on all Union bulletin boards at the Indianapolis terminal of Consolidated Freightways.

If any person is not satisfied with this determination, he may request a hearing before the Administrator within twenty-four (24) hours of his receipt of this letter. Such request shall be made in writing and shall be served on 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. 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.

Very truly yours,


Michael H. Holland

MHH/BJH/sst

cc: Mr. Frederick B. Lacey
Peggy A. Hillman, Regional Coordinator

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

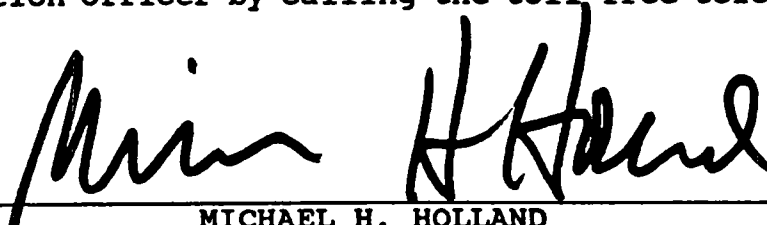
You have the right to participate in campaign activities on behalf of candidates for delegate and alternate delegate to the 1991 IBT International Convention.

You have the right to participate in campaign activities on behalf of candidates for International Office in the International Brotherhood of Teamsters.

You have the right to engage in such activities in non-work areas during non-work time.

You have the right to post campaign material on "general purpose" bulletin boards, that is bulletin boards which have historically been used for posting of material other than, or in addition to, official Company and Union notices.

Protests regarding campaign activities are to be filed with the Election Officer at the above address. Copies of the Rules regarding campaigning and other election activities may be obtained from the Election Officer by calling the toll-free telephone number listed above.



MICHAEL H. HOLLAND
Election Officer, IBT

This is an official notice and must remain posted for thirty (30) consecutive days from the day of posting, and must not be altered, defaced, or covered by any other material.