



OFFICE OF THE ELECTION OFFICER  
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December 14, 1990

**VIA UPS OVERNIGHT**

Bradley N. Yeakel  
620 North Jefferson St  
Allentown, PA 18102

Stephen A. Banus  
Secretary-Treasurer  
IBT Local Union 773  
1345 Hamilton Street  
Allentown, PA 18102

Re: Election Office Case No. P-073-LU773-PHL

Gentlemen:

A pre-election protest was timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In his protest Mr. Bradley N. Yeakel alleges that IBT Local Union 773 failed to make available for inspection all collective bargaining agreements negotiated by the Local.

The investigation shows as follows: By letter dated November 20, 1990 Bradley Yeakel, a candidate for delegate to the IBT 1991 Convention, requested to inspect all collective bargaining agreements covering members of the Local Union. The letter was hand delivered to the Local on Wednesday, November 21, 1990.

By letter dated November 26, 1990, Stephen Banus, Secretary-Treasurer of the Local Union, informed Yeakel that he could inspect the agreements on November 29, 1990 at 10 00 a.m. at the Union hall. The protestor inspected some 100 collective bargaining agreements on that date. When he left the hall, Mr. Banus advised Mr. Yeakel that if there was anything further needed he should contact him and he would provide the information.

Mr. Yeakel later discovered that some agreements had not been made available. He did not contact the Local Union to request the "missing" agreements. On December 3, 1990 he filed this protest.

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Upon receipt of the protest, the Local Union informed Mr. Yeakel by letter dated December 4, 1990 that some of the contracts that were requested had not been completed or did not exist. To the extent that the collective bargaining agreements were available, but not supplied on November 30, Mr. Banus offered inspection on December 11, 1990 at 10 00 a. m. at the Local Union office.

During the investigation, Mr. Banus provided the Election Office with a complete explanation as to the unavailability on November 29, 1990 of certain collective bargaining agreements. Seven employers were no longer in business, nine agreements were being renegotiated, at the printer, or otherwise not completed, some fourteen agreements should have been available on the third, but were overlooked. Other agreements were incorporated into master or area-wide contracts.

Subsequently, in accordance with the Local's December 4, 1990 letter to him, a further contract review was made by Mr. Yeakel. He has informed the Election Office that all remaining agreements that he has knowledge of were made available to him at that time.

Article VIII of the *Rules* provides that each delegate candidate and each nominated International Officer candidate has the right to inspect and make notes from all collective bargaining agreements covering any member of the Local Union. The Article provides further that such requests shall be honored within five (5) days.

In this case, the Local Union made a good faith effort to meet the requirements of Article VIII when it furnished the bulk of its agreements on December 3. It appears that the failure to furnish others was due to unavailability of the documents or non-intentional mistakes.

The protestor in this case, Mr. Yeakel, has informed the Election Officer that his campaign has not been harmed by the delay in inspection of all the documents.

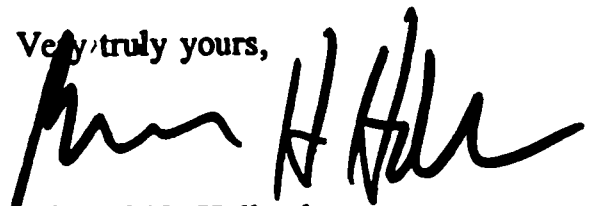
For all of the foregoing reasons, the *Rules* have not been violated. Accordingly, the protest is denied.

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.

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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/mjv

cc. Peter V. Marks, Sr., Regional Coordinator  
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