



OFFICE OF THE ELECTION OFFICER  
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Michael H Holland  
Election Officer

January 2, 1991

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**VIA UPS OVERNIGHT**

Adrian Huff  
84 Country Club Dr.  
Florida, NY 10921

Elmore V. Schueler  
Secretary-Treasurer  
IBT Local Union 445  
Stone Castle Road  
Newberg, NY 11377

Re: Election Office Case No. P-089-LU445-NYC

Gentlemen.

A pre-election protest was 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 the complainant, Adrian Huff, alleges that Local Union 445 violated the *Rules* as a result of its failure to post the results of nominations for delegate to the 1991 IBT International Convention The Election Officer's investigation revealed the following.

The nominations meeting for Local Union 445 was held on November 9, 1990 at the Local Union Hall in Newberg, N Y. Mr Huff was nominated and seconded in writing by two member of the union. After the nominations, a protest was filed by a member of Local Union 445 challenging the eligibility of Mr. Huff's nominator and seconder to participate in the nominations meeting in writing. On November 26, 1990, the Election Officer upheld the protest and found Mr. Huff's nomination void. Mr. Huff appealed and on November 30, 1990 the Independent Administrator issued his decision reversing the Election Officer and holding that Mr Huff was properly nominated.

In his protest Mr Huff alleged that the notice of nomination results was not posted at three work sites during the first week of December, 1990. Mr. Huff supplemented his protest on December 10, 1990 with the locations of four additional work sites where the notice was not posted The Local Union stated that the notices were posted but were apparently removed. The Local Union does not know who removed the notices

In response to Mr. Huff's protest, on December 12, 1990, the Local Union sent out additional copies of the notice to its 205 shop stewards with instructions to post the notice on union bulletin boards and repost the notice if it had been taken down. In

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addition, Local Union business agents have been instructed to inspect union bulletin boards and repost the notice if necessary

Article II, § 4 of the *Rules* requires Local Union Secretary-Treasurers to post a list of candidates who have been nominated for delegate and alternate delegate no later than seven days after the last nominations meeting. This notice is to remain posted throughout the election period. The Election Officer interprets this rule to require the Local Union not only to post the notice, but to insure that the notice remains posted throughout the election period.

The Election Officer finds that the Local Union has made a good faith effort to insure that the notice of nomination results have been posted in a timely manner and remain posted throughout the election period. When the union was made aware of problems with the notice remaining posted it took steps to insure that the notice was reposted where it has been removed. In a conversation with the Election Officer's Adjunct Regional Coordinator Mr Huff stated that new notices had been posted in the work sites mentioned in his protest

In light of the forgoing, the Election Officer concluded that it would not further the purposes of the *Rules* find a violation in this case.

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  
Election Officer

cc Frederick B Lacey, Independent Administrator, IBT  
Amy Gladstein, Regional Coordinator