



OFFICE OF THE ELECTION OFFICER
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791/PNW

Michael H Holland
Election Officer

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343 South Dearborn Street
Chicago, IL 60604
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January 2, 1991

VIA UPS OVERNIGHT

Gordon Teller
22332 17th Place, West
Bothell, WA 98021

Lawrence N. Weldon
Secretary-Treasurer
IBT Local 741
552 Denny Way
Seattle, WA 98109

Howard Esping
4012-B S. 158th
Seattle, WA 98188

Re: Election Office Case No. P-095-LU741-PNW

Gentlemen:

A pre-election protest was filed pursuant to Article XI, §1 of the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990 ("Rules"). In his protest, Mr. Teller alleges that he has been harassed about his campaign activity in support of Ron Carey by Howard Esping.

The investigation shows the following: Mr. Esping is a co-worker with Mr. Teller, they are both drivers for Sea Land and members of Local 741. Teller is a Ron Carey supporter. Esping is not.

The Company, Sea Land, maintains a radio used by drivers and dispatchers to keep in touch. All drivers have access to the company radio. There is a rarely enforced Company rule that prohibits use of the radio for personal talk.

Esping has been using the Company radio and company time to make comments about Teller's campaign activity. For example, when Teller calls in or gets a dispatch over the radio, Esping will come on the radio and comment about the number of signatures Teller can generate during that period of time, or he will ask how the petitioning is going.

Gordon Teller
December 28, 1990
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The Election Rules permit campaign activity in non-work areas on non-work time. The Rules prohibit all other campaign activity, except such campaigning that is "incidental" to work. Rules, Article VIII, §10(d).

The Election Officer concludes that the campaign or "anti-Carey Campaign" activity by Mr. Esping, as permitted by the Employer, Sea Land, is only incidental to his work and is therefore permitted by the Rules.

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/MJC/sst

cc: Mr. Frederick B. Lacey
Christine Mrak, Regional Coordinator
Webster, Mrak & Blumberg
600 Puget Sound Plaza
1325 Fourth Avenue
Seattle, WA 98101

Sealand