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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

Re: Election Office Case No. P-096-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 Gordon Teller alleges that the Rules have been violated by IBT Local 741, in that he has been prohibited by the Local from distributing campaign literature inside the Union hall.

The investigation shows as follows: The "Union hall" at issue in this protest is located in a building that is shared by a number of Local Unions in addition to Local 741. The three meeting rooms located in the building are also shared by all the Local Unions.

On December 9, 1990, a general membership meeting was held by Local 741 in one of the meeting rooms. Teller and TDU activists were passing out TDU and Ron Carey literature and soliciting signatures on nominating petitions inside the meeting room prior to the meeting. Local 741, Secretary-Treasurer, Lawrence N. Weldon, told them to stop the campaigning--that such campaigning was allowed outside the building, but not inside the building or the meeting room.

There is some conflicting evidence as to past practice with respect to campaign activity inside the building. Teller states that he has been campaigning inside the meeting hall before Local Union meetings for a year.

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Secretary-Treasurer Weldon states that if Teller has been campaigning, it has not been with his knowledge prior to the November meeting. He informed Teller at the December meeting of the Local 741 policy prohibiting such solicitations inside the meeting as soon as Teller commenced solicitation.

The sum of the evidence demonstrates that the Local Union's policy has long been to prohibit campaigning inside the building. While the Local does permit the wearing of T-shirts and buttons, inside the building, it does not permit distribution of such materials. Further, the evidence shows that solicitation /distribution policy has been enforced in other intra-Union campaigns for Local Union office, that have been conducted prior to this campaign.

Additionally, it would appear that all Local Unions who share the building have a common solicitation policy with respect to solicitation inside the building.

Based on the foregoing, the Election Officer concludes in this case that because the Local Union Policy prohibiting solicitation inside the building has been long standing, because the policy is a shared policy by all tenants in the building where the Local is housed, and because the policy has been enforced consistently by the Secretary-Treasurer of the Local when he has had knowledge of campaign solicitation, there is no violation of the Rules.

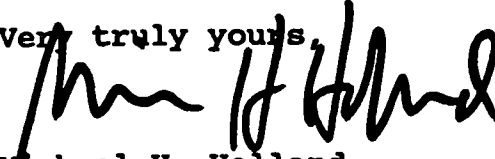
Therefore the protest is DENIED. The Election Officer notes that the Local Unions do permit soliciting and campaigning outside the building. This should suffice to permit access to members who may be attending meetings inside the building.

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

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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
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