

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624-8778
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Michael H. Holland
Election Officer

Chicago Office:
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

November 14, 1991

VIA UPS OVERNIGHT

Julian Rubio
4316 Roosevelt
Midland, TX 79703

United Parcel Service
2701 Market St.
Midland, TX 79703

Jerry W. McCown
President
IBT Local Union 577
201 N. Johnson
Amarillo, TX 79105

Re: Election Office Case No. P-1078-LU577-SOU

Gentlemen:

A protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Julian Rubio, a member of Local Union 577 employed by United Parcel Service ("UPS") at its Midland, Texas terminal. Mr. Rubio complains that on November 9, 1991, a supervisory employee of UPS told him that he could not distribute campaign material anywhere in the building, including in non-work areas during non-work time.

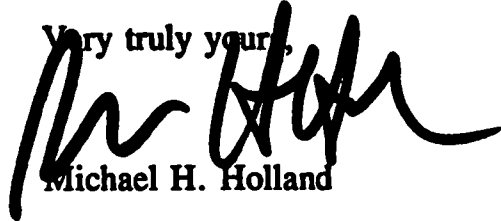
Specifically, Mr. Rubio wished to distribute campaign literature in the "dressing room" used by the drivers, which concededly is a non-work area. UPS agrees that its employees have the right to engage in campaign activities on its premises in non-work areas during non-work times. UPS states that the instruction to Mr. Rubio given by its supervisory employee in Midland, Texas was in error. Mr. Rubio has already been advised by management of the Midland, Texas UPS facility that he may distribute campaign literature in the "dressing room" and other non-work areas of the facility during non-work time. Accordingly, the Election Officer considers this protest **RESOLVED**.

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)

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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: Frederick B. Lacey, Independent Administrator

Larry R. Daves, Regional Coordinator

Martin Wald, Esq.
Schnader, Harrison, Segal & Lewis
Suite 3600
1600 Market Street
Philadelphia, PA 19103

MHH/cb