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"policed" the bulletin board. Neither the *Rules*, CCI's collective bargaining agreement with the IBT nor any prior decision of the Election Officer requires that it do so. Accordingly, CCI has no obligation to ensure that materials posted on the bulletin board remain undisturbed and has not done so.

The Election Officer investigation determined that campaign materials supportive of Mr. Carey and the Ron Carey Slate has been posted on the bulletin board throughout much of the 1991 IBT International Union officer election campaign. The evidence also indicated that the material once posted was removed within two or three days of the date of its posting. While the material was normally reposted within a day or so thereafter, it is inappropriate under the *Rules* for campaign literature once posted to be removed unless done so by the member posting the material or, when necessary, to insure that all the various political positions espoused by IBT members are able to be displayed. However, there has been no removal of any campaign material posted on behalf of Mr. Carey or his slate since the filing of the instant protest.

The Election Officer was unable to determine the identity of the person(s) who has/have removed the literature. The investigation determined that it was not removed by CCI managerial or supervisory employees. While the protestor and others contend that the material must have been removed by the Local 741 steward at the CCI facility, there is no proof that he has done so.

The investigation reveals that the *Rules* may have been violated by the removal of campaign material posted on behalf of General President candidate Ron Carey and the Ron Carey Slate. However, the investigation further reveals that the impact of such wrongful removal was minimal at best; the materials were reposted within a few days of their removal and the materials have remained posted without disturbance since the filing of the instant protest. Accordingly, and given that the International Union officer election has now concluded and all members of the Ron Carey Slate declared to be the winning candidates, the Election Officer – while admonishing all IBT members that removal of campaign material posted by another is inappropriate under the *Rules* – and concludes that no further remedy is required at this time. See *Rules*, Article XI (1)(b)(2).

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,

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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

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