

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624-8778
1-800-828-6496
Fax (202) 624-8792

Michael H Holland
Election Officer

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

December 27, 1990

VIA UPS OVERNIGHT

Walter W. Henao
210 Covena Avenue
Modesto, CA 95354

Ms. Lupe Deande
Mr. Justin Mulling
Tri-Valley Growers
2801 Finch Road
Modesto, CA 95354

Ron Ashlock
Secretary-Treasurer
IBT Local 748
1222 "I" Street
Modesto, CA 95354

Re: Election Office Case No. P-131-LU748-CCV

Gentlemen:

The above protest was timely filed pursuant to the IBT International Union Delegate and Officer Election, revised August 1, 1990, Rules. In his protest, Walter W. Henao, alleges that Tri-Valley Growers has violated the Rules by prohibiting distribution of campaign literature in non-work areas, during non-work time. Mr. Henao further contends that he was threatened with discharge if he continued such solicitation.

Upon receipt of the protest the Election Officer commenced discussion with the Tri-Valley Growers concerning its solicitation policy. Pursuant to that discussion the Employer agreed, consistent with the Election Officer's position, that IBT members, employed by Tri-Valley have the right to campaign in non-work areas during non-work time as well as use general purpose bulletin boards for campaign posting. Tri-Valley has also agreed, again consistent with the Election Officer's position that IBT members, not employed by Tri-Valley, have limited rights for campaign purposes of access. The policy is reflected in the attached Notice, which the Employer agrees can be posted by the Union.

I find that the foregoing constitutes an appropriate resolution of this protest.

Walter W. Henao
December 27, 1990
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Accordingly, IBT Local 748 is directed to post the enclosed Notice at all Tri-Valley Growers facilities over which it has jurisdiction. Further should IBT members find that their rights as stated in the Notice are abridged subsequent to this decision; additional protests will be entertained by the Election Officer.

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
Don Twohey, Regional Coordinator

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NOTICE TO TEAMSTER MEMBERS FROM MICHAEL H. HOLLAND, ELECTION OFFICER, IBT

You have the right to participate in campaign activities on behalf of candidates for delegate and alternate delegate to the 1991 IBT International Convention.

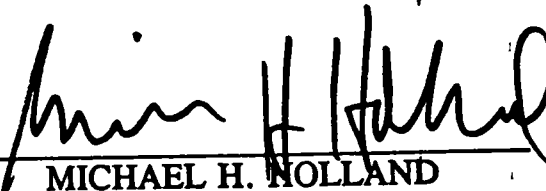
You have the right to participate in campaign activities on behalf of candidates for International Office in the IBT.

You have the right to engage in such campaign activities, including the distribution of campaign materials, on the employer's premises in non-work areas during non-work time.

You have the right to post campaign materials on bulletin boards which have been previously used to post materials other than, or in addition to, official Union or employer notices.

Your fellow members of the IBT, who work at other facilities or who are employed by other employers, have the right to engage in campaign activities on your employer's premises which are in non-work areas outside of the employer's facilities and are open to the public, e.g., in parking lots or outside of the gates or employee entrances.

Any protests you may have regarding your rights to engage in campaign activities should be filed with Michael H Holland, Election Officer, at the above address


MICHAEL H. HOLLAND
Election Officer, IBT

This is an official notice and must remain posted for thirty consecutive days from the day of posting, and must not be altered, defaced, or covered by any other material.