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Michael H. Holland
Election Officer

January 24, 1991

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VIA UPS OVERNIGHT

Dale H. Kallenberger
328 20th Ave. So. #63
Federal Way, WA 98003

Allen McNaughton
Secretary-Treasurer
IBT Local Union 174
553 John St.
Seattle, WA 98109

Mr. Frank Lattanzio
Director of Licensed Transportation
Boeing
7755 E. Marginal Way S.
Mailstop 2205 - Guard Gate B60
Seattle, WA 98128

Re: Election Office Case No. P-153-LU174-PNW

Gentlemen:

A pre-election protest was timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). The Complainant, Dale Kallenberger, on behalf of William Leich alleges that they were denied by the employer the right to post campaign literature upon a bulletin board located in the employer's facility in Everett.

The investigation revealed that said company has a pre-existing general rule against the use of bulletin boards for campaign material regardless of the use of the board, and regardless of whether the board is a Union board, company board, an employer board, or a general use board.

It is acknowledged by Complainant Leich that he was aware of this rule. No evidence was found that there has been in practice a substantial departure from this rule as to the Everett bulletin board in question, which is used by the employer for posting schedules and for official Local 174 postings, and not otherwise used by employees.

However, substantial evidence has been found that other bulletin boards of the employer apparently are used for general postings by employees, that is for posting of materials other than or in addition to official employer and Union notices. The *Rules* provide at Article VIII, § 10 that "No restrictions shall be placed upon candidates or members pre-existing rights to use employer or Union bulletin boards for campaign

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publicity." Thus, it must be emphasized that the employer may not prevent the posting of campaign literature from bulletin boards which historically have been used by employees for general purposes. See enclosed "Advisory Regarding Political Rights."

As the instant protest, however, relates to a particular board which historically had not been used for employee postings, the *Rules* have not been violated and the Complaint is dismissed.

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, 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/mca

cc: Frederick B Lacey, Independent Administrator
Christine M. Mrak, Regional Coordinator
Milton Grover
Douglas Bain, Esq.