



OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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January 3 1991

VIA UPS OVERNIGHT

Steven V Dias
96 Salem Rd
Schwenksville PA 19473

Gerard F Moran
Secretary Treasurer
IBT Local Union 384
2910 Hannah Avenue
Norrstown PA 19401

Theodore Budzickowski
1454 Bronte Court
Lansdale PA 19446

John Falls
1030 Wildman Ave
Bensalem PA 19020

Re Election Office Case No P 164-LU384-PHL

Gentlemen

A pre-election protest was filed pursuant to Article XI *Rules for the IBT International Union Delegate and Officer Election* revised August 1 1990 (*Rules*). In his protest Mr Dias contends that the *Rules* have been violated by Local Union 384 in that Local Union financed materials stationery and labor have been used to file protests

The *Rules* do in fact prohibit financial contributions from among other entities the IBT its subordinate bodies including Local Unions and employers made for the purpose of promoting the candidacy or the campaign of any individual. Additionally the prohibition extends beyond monetary contributions to the use of equipment stationery facilities and personnel of either the employer or the Union. Article V § 1

While the *Rules* do prohibit such campaign contributions by Union and Employer they do not prohibit employer or Union contributions in support of resolving protests clarifying the *Rules* or otherwise furthering the fundamental goal of fair honest and open elections. *Rules* Preamble and Article I. The protest procedure is integral to that goal. In fact the Election Officer frequently relies on documents or information generated by the Local and/or employer personnel to determine the eligibility of candidates or to otherwise resolve protests

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Thus, the Election Officer will not find contributions of personnel, services, stationery or otherwise that are made by the Union or employers in furtherance of the protest process violative of the *Rules*. The Election Officer notes, however, that these goods and/or services should be made available to all members on an equal basis, without discrimination

There is no allegation that the Union has discriminated against any members in allowing its facilities to be used to file protests in this case. Therefore the protest is denied

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

cc Mr Frederick B Lacey
Peter V Marks, Sr , Regional Coordinator