



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

January 28, 1991

**VIA UPS OVERNIGHT**

Richard L. Fowler  
5024 South Yakima  
Tacoma, WA 98408

Lee Van Pevenage  
Terminal Manager  
Consolidated Freightways  
4290 29th St East  
Fife, WA 98424

J. Michael Cserepes  
Secretary-Treasurer  
IBT Local Union 313  
220 S. 27th St.  
Tacoma, WA 98402

Re: Election Office Case No. P-342-LU313-PNW

Gentlemen:

A pre-election protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). Complainant, Richard Fowler, states that he is an employee of Consolidated Freightways working out of its facility at 4290 29 St. East, Fife, Washington, and a candidate for delegate from Local Union 313. He asserts that he placed campaign literature and a Notice to Teamster Members, issued by Michael H. Holland on the bulletin boards at said facility and was ordered by his supervisors to remove same. The employer also posted a Notice prohibiting any posting on a bulletin board without employer approval.

The Election Officer's investigation reveals that there are at least two bulletin boards at the facility. The bulletin board located in the dining room of this Consolidated facility has in the past been used for general purpose postings including intra-Union campaign literature.

Article VIII § 1 (d) of the *Rules* provides in pertinent part that "no restrictions shall be placed upon candidates' or members' pre-existing rights to use employer or Union bulletin boards for campaign publicity."

Richard L. Fowler  
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The employer has previously, herein, agreed consistent with the Election Officer's position, that general purpose bulletin boards may be used for the posting of campaign material. See P-070-LU135-SCE.

The Election Officer has communicated with appropriate managerial personnel of Consolidated Freightways who have again agreed, consistent with the Election Officer's position, that IBT members employed by Consolidated Freightways are entitled to use "general purpose" bulletin boards, that is bulletin boards that have historically been used for posting of materials other than or in addition to official Company and Union notices, for posting of campaign material. Such managerial personnel of Consolidated Freightways have also agreed, again consistent with the Election Officer's position, that IBT members employed by Consolidated Freightways have the right to engage in campaign activities in non-work areas during non-work times. The Election Officer has been assured that all appropriate supervisory employees of Consolidated Freightways will be advised of the foregoing.

The Election Officer has determined that the above protest is properly resolved in accordance with the foregoing. However, to eradicate any confusion that may be present as the result of the notice posted by the employer supervisors, the Election Officer, pursuant to his authority under the *Rules* and §12(d) of the Consent Order, directs that Local Union 313 post the attached notice on all Union bulletin boards at the Fife Washington terminal of Consolidated Freightways.

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/mca

cc Mr Frederick B Lacey, Independent Administrator  
Ms Christine Mrak, Regional Coordinator

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Election Officer

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Chicago, IL 60604  
(312) 922-2800

December 17, 1990

VIA UPS OVERNIGHT

John D. Kirby  
5902 Burwick Drive  
Indianapolis, IN 46256

Gary T. Gregory  
9601 Bakeinay Drive  
Indianapolis, IN 46231

Dale Oliver  
Asst. Terminal Manager  
Consolidated Freightways  
3915 West Morris Street  
Indianapolis, IN 46241

John L. Neal, President  
Local Union 135  
IBT  
1233 Shelby Street  
Indianapolis, IN 46203

Re: Election Office Case No. P-070-LU135-SCE

Gentlemen:

A pre-election protest was filed under Article XI, §1 of the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990 ("Rules"). The protest challenges the propriety of a notice posted by Dale Oliver, Assistant Terminal Manager, of the Indianapolis terminal of Consolidated Freightways alleging that the notice is violative of the pre-existing rights of IBT members as set forth in Article VIII, §10(d) of the Rules. The protest does not allege that Mr. Oliver's posting of such notice was instigated or condoned by Local Union 135; the Election Officer has determined that no such instigation, nor condonation occurred.

The Election Officer has communicated with appropriate managerial personnel of Consolidated Freightways who have agreed, consistent with the Election Officer's position, that IBT members employed by Consolidated Freightways are entitled to use "general purpose" bulletin boards, that is bulletin boards that have historically been used for posting of materials other than or in addition to official Company and Union notices, for posting of campaign material. Such managerial personnel of Consolidated Freightways have also agreed, again consistent with the Election Officer's position, that IBT members employed by Consolidated

Officer's position, that IBT members employed by Consolidated  
John D. Kirby  
December 17, 1990  
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Freightways have the right to engage in campaign activities in non-work areas during non-work times. The Election Officer has been assured that Mr. Oliver and all other appropriate supervisory employees of Consolidated Freightways will be advised of the foregoing.

The Election Officer has determined that the above protest is properly resolved in accordance with the foregoing. However, to eradicate any confusion that may be present as the result of the notice posted by Mr. Oliver, the Election Officer, pursuant to his authority under the Rules and ¶12(d) of the Consent Order, directs that Local Union 135 post the attached notice on all Union bulletin boards at the Indianapolis terminal of Consolidated Freightways.

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/BJH/sst

cc: Mr. Frederick B. Lacey  
Peggy A. Hillman, Regional Coordinator

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

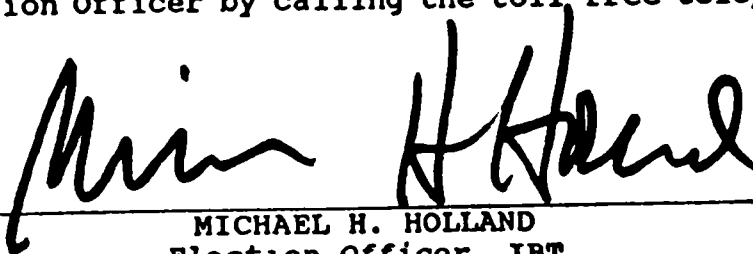
You have the right to participate in campaign activities on behalf of candidates for delegate and alternate delegate to the 1991 IBT International Convention.

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

You have the right to engage in such activities in non-work areas during non-work time.

You have the right to post campaign material on "general purpose" bulletin boards, that is bulletin boards which have historically been used for posting of material other than, or in addition to, official Company and Union notices.

Protests regarding campaign activities are to be filed with the Election Officer at the above address. Copies of the Rules regarding campaigning and other election activities may be obtained from the Election Officer by calling the toll-free telephone number listed above.

  
MICHAEL H. HOLLAND  
Election Officer, IBT

This is an official notice and must remain posted for thirty (30) consecutive days from the day of posting, and must not be altered, defaced, or covered by any other material.