



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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January 25, 1991

VIA UPS OVERNIGHT

Mark Franks
5851-U Reddman Rd
Charlotte, NC 28212

Earl Scheib
2408 N. Tryon St.
Charlotte, NC 28206

Conrad D. Sides
President
IBT Local Union 71
5000 North Tryon St.
Charlotte, NC 28256

Re: Election Office Case No. P-345-LU71-MID

Gentlemen:

A pre-election protest was filed pursuant to Article XI of *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). Complainant Mark Franks alleges that no notice of the results of the nominations meeting was posted at the bulletin board at the Earl Scheib Paint Shop.

Regional Election Office staff investigated this protest and interviewed both the Local Union business agent with responsibility for Earl Scheib, Larry Miller, and the Company area manager, Rick Murphy. The Local business agent stated that the notice of the results of the nominations meeting was posted within a week or so of the nominations meeting. Mr Miller also stated that no IBT members are employed at Earl Scheib¹

The Employer's area manager, at the time he was interviewed, reviewed the materials posted on the bulletin board. No nominations results were posted. Further,

¹. The Election Officer investigation determined that Earl Scheib employs four or five persons represented by Local 71. Since North Carolina is, however, a right to work state, these employees may not, in fact, be members of the IBT.

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Mr Murphy stated that he had never seen such posting on the bulletin board. However, Mr Murphy is only at the facility a few days a month.

The Local Union has agreed to immediately have business agent Larry Miller agreeing to repost said notice at the Earl Scheib facility.

The protest is considered resolved on this basis.

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/acm

cc: Frederick B Lacey, Independent Administrator
cc: Grant Crandall, Regional Coordinator