



OFFICE OF THE ELECTION OFFICER
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Michael H. Holland
Election Officer

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February 5, 1991

VIA UPS OVERNIGHT

William Fleeger
4151 Bethel
Houston, TX 77092

Richard A. Hammond
President
IBT Local Union 988
3100 Katy Freeway
Houston, TX 77270

Houston Dairy
Tom Kelleher,
General Manager
701 Waugh
Houston, TX 77019

Re: Election Office Case No. P-417-LU886-SOU

Gentlemen:

A pre-election protest has been filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). The complainant, William L. Fleeger, alleges that his employer has denied him the right to post campaign literature on any bulletin board and has advised him that he cannot campaign on company property at any time.

After the instant protest was filed, the employer was contacted by the Election Officer who agreed, consistent with the position of the Election Officer, as set forth in the *Rules*, that campaign material could be posted in the following locations: (1) on the general purpose bulletin board located upstairs in the main office and (2) on the large, approximately 5' by 5' bulletin board located downstairs in the milk plant near the time clock. The remaining small bulletin boards will not be used for the posting of campaign material since those boards have most normally been used in the past for the posting of official notices by the company or Union. This agreement is made based upon the company's representation that all IBT members would see one or the other of the two boards during the course of a normal work day.

Further, the employer has agreed, again consistent with the Election Officer's

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position that IBT members not employed by Houston Dairy will have access to the employee parking lots for campaigning purposes.

Accordingly, the protest is **RESOLVED** on the foregoing basis.

Any specific denials of campaigning activity by the employer that any member considers is a violation of the *Rules* may be brought as a new protest.

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/ads

cc. Frederick B Lacey, Independent Administrator
Larry R Daves, Regional Coordinator