



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624-8778
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Michael H Holland
Election Officer

Chicago Office:
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

February 7, 1991

VIA UPS OVERNIGHT

Dominick Buscemi
P.O. Box 139
Martins Creek, PA 18063

Stephen A. Banus
Secretary-Treasurer
IBT Local Union 773
1345 Hamilton Street
Allentown, PA 18102

Don Hargett
V P. of Industrial Relations
Preston Trucking Co.
151 Easton Blvd.
Preston, MD 21655

Re: Election Office Case No. P-426-LU773-PHL

Gentlemen:

A pre-election protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). The protest challenges a memo promulgated by the employer, Preston Trucking Company, which requires company officials to "police" official Union bulletin boards to insure that they do not become "general purpose" bulletin boards. The Complainant, Dominick Buscemi alleges that the Union members at his facility have always been allowed to post all kinds of campaign literature and general purpose literature on the bulletin boards therein.

The Election Officer has communicated with counsel for Preston Trucking Company. The company has agreed, consistent with the Election Officer's position, that IBT members employed by it at the facility in question may continue to post campaign related to the 1991 IBT delegate election at bulletin boards that have historically been used for the posting of campaign literature and for other general purposes. Accordingly, the "policing of bulletin boards" referred to in the employer memo will not be used to alter what has historically been a general purpose board. Conversely, the company may "police" a bulletin board previously used only for official company or Union business to insure that its use does not change. The Election Officer considers this protest resolved on the basis of the foregoing.

Dominick Buscemi
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To insure that all IBT members at the facility in question are aware of the foregoing, Local Union 773 is directed to post the attached notice on all Local Union bulletin boards located at that facility. Local Union 773 should notify the Election Officer within five days of its receipt of this decision of the steps it has taken to comply with this posting.

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
Peter V Marks, Sr, Regional Coordinator

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

You have the right to participate in campaign activity on behalf of candidates for delegate and alternate delegate.

You have the right to participate in campaign activity on behalf of candidates for International Office in the 1991 IBT election.

You have the right to post campaign literature and other materials related to the nomination and election process for the 1991 IBT International Union Delegate and Officer election on bulletin boards that have historically been used for general purposes, that is, for the posting of materials other than or in addition to official Union and company documents at this facility.



Michael H. Holland
Election Officer, IBT

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