

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMS
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

February 19, 1991

VIA UPS OVERNIGHT

James A. Benson
2425 W. Banff Ln
Phoenix, AZ 85023

W. Terry Moser
Secretary-Treasurer
IBT Local Union 104
1450 S 27th Ave.
Phoenix, AZ 85009

Fleming Foods
Attn Bill Smith
624 S 25th Ave.
Phoenix, AZ 85009

Re: Election Office Case No. P-431-LU104-RMT

Gentlemen:

A pre-election protest was timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). In his protest, Mr James Benson alleges that he has been prohibited by Fleming Foods from posting campaign materials on general purpose bulletin boards located at Fleming Foods Phoenix, Arizona facility in violation of the *Rules*. He further protests that he has otherwise been prohibited from engaging in campaign activities on company property.


The protest was investigated by Regional Coordinator Bruce Boyens. The investigation shows that there are several general purpose bulletin boards located on the premises of Fleming Foods, that is, bulletin boards historically used for postings other than, or in addition to official Company and Union notices. On February 2, 1991, Mr. Benson was informed by Fleming that he could not post campaign material on general purpose bulletin boards without the approval of Local 104. After the protest was filed, Fleming apparently changed its position and Mr Benson was permitted by Fleming management to post campaign materials on these boards on February 8, 1991. On February 12, 1991, however, he was instructed to remove the material.

Article VIII, § 10(d) of the *Rules* provides that no restrictions shall be placed on IBT members' pre-existing rights to use bulletin boards on employer premises for

James A Benson
Page 3

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
Bruce Boyens, Regional Coordinator

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 Convention

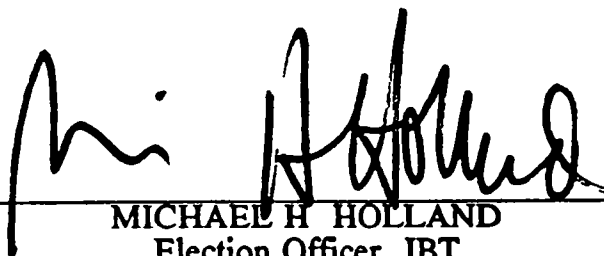
You have the right to participate in campaign activities on behalf of candidates for International Office in the IBT.

You have the right to engage in campaign activities in non-work areas during non-work times

You have the right to post campaign materials on general purpose bulletin boards located on the employer premises, subject to any regulations previously applied to general purpose postings

No one, no company official, union officer, business agent, steward, or member can intimidate, harass, or threaten you for engaging in the above-described campaign activity.

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.



A handwritten signature in black ink, appearing to read "Michael H. Holland", is written over a horizontal line.

MICHAEL H. HOLLAND
Election Officer, IBT

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