

OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
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Michael H Holland  
Election Officer

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February 15, 1991

VIA UPS OVERNIGHT

Steve MacDonald  
975 Hillview Dr  
Dixon, CA 95620

Casey Sawyer  
Secretary-Treasurer  
IBT Local Union 490  
445 Nebraska St  
Vallejo, CA 94590

Frank Friedman  
Lucky Stores Inc  
Vacaville Dist Center  
700 Crocker Driver  
Vacaville, CA 95688

**Re: Election Office Case No. P-434-LU490-CSF**

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, Steve McDonald alleges that he has been prohibited by Lucky Stores, Inc from distributing literature in support of Ron Carey in non-work areas on non-work time Mr McDonald also alleges that employer policies promulgated on January 14, 1991, interfere with his campaign rights

The Election Officer has reviewed the employer's written policies with respect to campaigning, and finds that they conform with the *Rules* with the exception of the third paragraph of the policy documents That paragraph appears to deny access to any portion of the employer premises to any IBT member not employed by Lucky Stores However, on February 5, 1991, Lucky Stores agreed, consistent with the Election Officer's position, to permit IBT members not employed by it to have access to and engage in campaign activities to the employee parking lot P-368-LU490-CSF All other policies, while stated in the negative, do in fact recognize the campaign rights of IBT members under the *Rules* and applicable federal law

The Election Officer has now discussed the instant protest with Lucky Stores As a result of these discussions, Lucky Stores has agreed that it will set up a literature

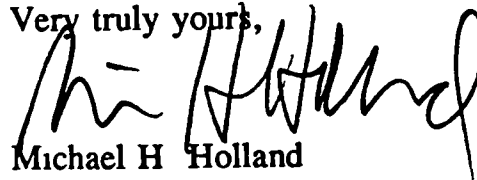
Steve MacDonald  
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distribution table in the lunchroom which can be used by IBT members employed by it for placing campaign literature. The employer has also agreed to set up a similar literature distribution table in the driver's shack to be used for the same purpose. Further, Lucky Stores agrees that IBT members who are employed by it, can continue to distribute literature in non-working areas on non-work time, through hand distribution, including in those areas where the literature tables are being set up.

Based upon the foregoing, the protest is hereby deemed **RESOLVED**.

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  
Donald E. Twohey, Regional Coordinator  
Joseph McLaughlin, McLaughlin and Irvin