



OFFICE OF THE ELECTION OFFICER  
% I INTERNATIONAL BROTHERHOOD OF TEAM RS  
25 Louisiana Avenue, NW  
Washington, DC 20001  
(202) 624-8778  
1-800-828-6496  
Fax (202) 624-8792

Michael H Holland  
Election Officer

February 12, 1991

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

**VIA UPS OVERNIGHT**

Dean Bjornson  
11765 Jacobs Lane, SE  
Ft Orchard, WA 98366

Lawrence N. Weldon  
Secretary-Treasurer  
IBT Local Union 741  
552 Denny Way  
Seattle, WA 98109

Tony Lindsay  
Sea Land CSF  
3600 Port of Tacoma Road  
Tacoma, WA 98424

Re: Election Office Case No. P-444-LU741-PNW

Gentlemen

A pre-election protest was filed by Dean Bjornson pursuant to Article XI, § 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") The Complainant contends that his employer, Sea Land CSF, has issued him a warning concerning campaign activities at the work place

The Election Officer has conducted an investigation of the protest Mr Bjornson has advised the Election Officer that on January 22, 1991, during non-working time, he was walking past the dock and saw a fellow employee, Danny Ramond. Mr. Bjornson indicates that he had previously been told by other employees that Mr. Ramond had some questions concerning the campaign, so he stopped to talk to him for a few minutes. When Mr Bjornson reached Mr Ramond, Mr Ramond was operating his forklift, moving crates into a trailer. As Mr Bjornson approached Mr. Ramond, he noted that Mr Ramond was having some difficulty and Mr Bjornson began assisting him with this task. After the task was completed, Mr Bjornson indicated that he had been speaking with Mr Ramond for approximately two minutes when a supervisor, Tony Lindsay, came into the area and asked Mr Bjornson if he was out campaigning for Carey. Mr Bjornson advises that this question was asked in a friendly manner and that he responded in the affirmative. Mr Bjornson then states that he was not further questioned by Mr Lindsay, but that Mr Lindsay advised him to get back to work. Mr Bjornson agreed and left the area.

Mr Bjornson contends that he spent approximately five minutes with Mr Raymond and did not speak with him about campaign matters except for two minutes of

Dean Bjornson  
Page 2

that time He further contends that employees do talk to each other regardless of whether or not they are on duty and that at times the subject of their conversation may be the Union or intra-Union matters. However, Mr. Bjornson could not relate any incident of such conversation where a supervisor was present.

Article VIII, § 10 (a) provides that no candidate or member may campaign during his/her work hours. The *Rules* further provide that campaigning incidental to work is not a violation of this section, nor is campaigning during paid lunch hours or breaks violative of this section. Campaigning at a member's work place may be limited to non-working areas and members who are not working may be prevented from campaigning with other members (who are working) during the work time of such employees. See, Advisory Regarding Political Rights.

Based on the facts revealed by the investigation, the Election Officer would note that it appears Mr Bjornson's campaigning activities concerning Mr. Ramond were incidental to his work. However, the action taken by the employer, a warning letter, is not violative of the *Election Rules*. The letter of warning states that the non-working employee cannot engage in campaigning activities during the working time of a fellow employee. The Election Officer finds that this is an appropriate statement of the rights provided IBT members by the *Rules*, Article VIII, § 10 (d). There is no evidence of any deviations from that policy by the employer or any discrimination by the employer in enforcing that policy. Accordingly, the protest is DENIED.

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  
Christine M. Mrak, Regional Coordinator