



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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February 12, 1991

VIA UPS OVERNIGHT

Walter W. Henao
210 Covena Avenue
Modesto, CA 95354

Ron Ashlock
Secretary-Treasurer
IBT Local 748
1222 "I" Street
Modesto, CA 95354

Ragu Foods
1785 Ashby Road
P O Box 2168
Merced, CA 95344

Re: Election Office Case No. P-⁴⁵⁴~~445~~-LU748-CCV

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 Walter W Henao alleges that he has been denied campaign access to IBT members employed by Ragu Foods, contrary to the *Rules*.

Subsequent to the filing of the protest, Election Office Adjunct Coordinator Walter Kintz viewed the location of the job site and commenced discussion with Ragu Foods in an effort to resolve the protest.

Ragu is located off a rural frontage road which is used almost exclusively by Ragu employees Further, there is a grassy verge between the access road and the Ragu parking lot (The parking lot is fenced in) This large grassy area borders both sides of the driveway used by employees to travel between the parking lot and the access road The employer agrees that IBT members can campaign in this grassy area off the frontage road

Currently there are approximately twenty-five employees working at Ragu Additionally because it is out of season, there are few trucks entering and exiting the parking lot

The Election Officer concludes that under these circumstances Ragu's agreement

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to allow IBT members to campaign outside the fenced-in parking lot in the area bordering both sides of the driveway to the access road, will permit sufficient access to allow IBT members meaning campaign opportunity.

IBT members who campaign in that grassy verge area will not be impeded by traffic because of the rural location of Ragu and the season. Traffic entering and exiting the parking lot will be slow because of the relatively small number of IBT members who are currently working. Under these circumstances, IBT members who wish to campaign, leaflet, or speak with Ragu employees should be able to have face to face contact with most of these employees.

In accordance with the foregoing, the Election Officer considers this protest **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/ads

cc Frederick B. Lacey, Independent Administrator
Donald E. Twohey, Regional Coordinator