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March 11, 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

G A Eichen  
c/o Hadley Auto Transport  
3800 Industrial Way  
Benicia, CA 94510

Ross Cassidy  
904 Beach Park Blvd 128  
Foster City, CA 94404

**Re: Election Office Case No. P-519-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 the *Rules* have been violated by Hadley Auto Transport denying him access to its premises for campaign purposes He also contends that Ross Cassidy, a candidate for alternate delegate on an opposing slate, violated the *Rules* by threatening him because of his campaign activities.

This protest was investigated by Regional Coordinator Donald Twohey The investigation shows the following On February 13, 1991, MacDonald, who is not an employee of Hadley Auto Transport, entered the driver's room at Hadley and posted his campaign literature on the bulletin board He remained thereafter to talk to drivers He was requested to leave by Mr G A Heichen, the terminal manager MacDonald states that as he was leaving, Ross Cassidy, an employee of Hadley, was driving out of the parking lot with a load of cars MacDonald states that Cassidy drove close to him at a slow rate of speed in order to intimidate him MacDonald contends that Cassidy stated "it's going to get rough "

Regional Coordinator Twohey spoke with Mr Eichen about Hadley Auto Transport's access policy Eichen stated that Hadley will permit IBT members not employed by it to post campaign material on the driver room bulletin board and to campaign in the company parking lot He also states, and MacDonald agrees, that

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MacDonald has continued to campaign in the parking lot since the protest was filed. While Hadley will permit IBT members not employed by it to post materials in the drivers room, they will not permit such members to remain inside the premises including the drivers room to campaign. In fact, MacDonald was requested to leave on February 13, 1991, because he had remained in the drivers room to campaign.

The Election Officer concludes that Hadley's access rules for non-employee IBT members, which permit postings in the drivers room, and campaigning in the parking lot, are sufficient to allow meaningful campaign access. Hadley's prohibition against non-employee campaigning inside the premises is not a violation of the *Rules*. Based on the foregoing, this aspect of the protest is DENIED.

MacDonald also alleges that he was threatened by Ross Cassidy. Cassidy denied that he drove close to MacDonald in order to threaten him, and he specifically denies stating to MacDonald "it's going to get rough."

MacDonald told Regional Coordinator Twohey that he was not in fact intimidated by Cassidy, while Cassidy was driving slowly. MacDonald also stated that he did not believe Cassidy was trying to run him down. He also informed Regional Coordinator Twohey that he was mainly interested in "making a record" of this situation.

Based on the foregoing, the evidence is insufficient to show any violation of the *Rules*. This aspect of 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  
Donald E. Twohey, Regional Coordinator