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March 15, 1991

VIA UPS OVERNIGHT

Sandra J May
6669 Concourse Drive
Columbus, Ohio 43229

Harold Speakman
President
IBT Local Union 284
555 East Rich Street
Columbus, Ohio 43215

Re: Election Office Case No. P-536-LU284-CLE

Gentlemen

A pre-election protest was filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") The protest was filed on February 15, 1991 The alleged misconduct occurred on February 8, 1991 In her protest, Sandra May alleges that the *Rules* have been violated because Harold Price, a Union representative campaigned with the use of a Union-owned vehicle and during time paid for by the Union

The protest was investigated by Adjunct Coordinator Norton Newborn The investigation discloses the following Sandra May states that on February 8, 1991, Harold Price, Sr, a business representative for the Local spent approximately fifteen minutes on the dock at Azko Coatings distributing hats bearing the slate name of a slate of delegate and alternate delegate candidates Sandra May did not personally witness any of this activity, but referred Adjunct Newborn to Ed White, an IBT member employed by Azko White states that Price and his son passed out twenty to thirty hats to Local 284 members employed at Azko while those members were on their lunch break from Azko White did not see the car that Price came in White acknowledges that Price also posted an election notice required to be posted by the *Rules* during his visit to Azko

Price denies that he gave out hats He states that after posting the notice on the Union bulletin board, he talked with the shop steward Gilbert Abbington about a grievance concerning the propriety of job assignments Price states, however, that his son Allen Price, a member of Local 284 and a driver for the Columbus Dispatch newspaper did pass out campaign hats to IBT members during such members' lunch break Price, Sr also states that the Union car was in the shop for repairs, and that he drove to the plant in a 1987 Chevy Nova belonging to his granddaughter

Sandra May
Page 2

Allen Price confirms that he and another Local 284 member campaigned for approximately fifteen minutes on the docks at Azko. He denies, however, that his father was involved in the campaigning.

The *Rules* prohibit campaigning during Union or employer paid time. The *Rules*, however, permit campaigning that is incidental to Union or employer-paid time. *Rules*, Article VIII, Section 10(b).

The Election Officer concludes that the evidence in this case is insufficient to find that Price is engaged in any impermissible campaign activity during Union-paid time. Price denies that he campaigned at all, and White's statement only shows campaigning of an incidental nature. There is no evidence that Price used a Union-financed car during his visit to Azko on February 8, 1991.

Additionally the protest in this case is untimely under the *Rules*.

Based on the foregoing, 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/ads

cc Frederick B. Lacey, Independent Administrator
Joyce Goldstein, Regional Coordinator