



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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March 8, 1991

VIA UPS OVERNIGHT

Tom Breeden
11719 Bank Road
Cincinnati, Ohio 45251

Tom McCarthy
8108 Fontaine Court
Cincinnati, Ohio 45236

Bill Wright
6909 Kyles Station Road
Middletown, Ohio 45044

Michael H Dickens
President
Teamsters Local 100
2100 Oak Road
Cincinnati, Ohio 45214

Jim D'Andrea
7837 Jandaracres Drive
Cincinnati, Ohio 45215

Dick Brizzolara
c/o Kroger Company
Glendale Milford Road
Cincinnati, Ohio 45215

Re: Election Office Case No. P-592-LU100-SCE

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*") by Tom Breeden, Tom McCarthy, Bill Wright and Jim D'Andrea, members of Local Union 100. The protest alleged that Kroger Company, an employer of Local 100 members, prohibited the complainants from posting campaign materials on the general purpose bulletin board.

The Election Officer conducted an investigation into the allegations of the protest. In the course of the investigation, the employer was contacted and agreed consistent with the Election Officer's position that members of Local 100 have the following rights to campaign on the premises of Kroger Company:

- 1 IBT members, employed by Kroger Company, have the right to engage in campaign activities, i.e. talk to fellow employees, hand out literature, circulate petitions, and similar campaign activities, during non-work times in non-work areas,

Tom Breeden
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- 2 Such members may post campaign materials on the general purpose bulletin board located in the Employer's facility, and
- 3 IBT members, not employed by Kroger Company, may also have campaign literature posted on the general purpose bulletin board located in the employer's facility by contacting Dick Brizzolara, Manager of the facility which is located on Glendale Milford Road in Cincinnati. Mr. Brizzolara may be contacted from the guard shack at the entrance to the employer's facility. A member of his staff will go to the guard shack to pick up any literature for posting.

Based on the foregoing agreement, the Election Officer determines that this protest is **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
Peggy A. Hillman, Regional Coordinator
John Flynn
Kroger Company
Law Department
1014 Vine Street
Cincinnati, Ohio 45201