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Election Officer

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March 12, 1991

VIA UPS OVERNIGHT

Al Walker
11436 Geneva Rd
Cincinnati, OH 45240

Bill Wright
6909 Kyles Station Rd
Middletown, OH 45044

Tony Hooks
5449 Laura Ln
Cincinnati, OH 45212

Homer Mann
3712 N Berkley
Cincinnati, OH 45236

Michael H Dickens
President
IBT Local Union 100
2100 Oak Rd
Cincinnati, OH 45241

Jack Weber
Secretary-Treasurer
IBT Local Union 100
2100 Oak Rd
Cincinnati, OH 45241

Duane Wilson
Business Agent
Local Union 100
2100 Oak Rd
Cincinnati, OH 45241

Re: Election Office Case No. P-634-LU100-SCE

Gentlemen

A pre-election protest was filed in accordance with Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") The complainants allege that Messrs Weber, Dickens and Wilson, all of whom are officers or Business Agents of IBT Local 100, were campaigning on Union time in violation of Article VIII of the *Rules*

The investigation conducted by the Election Office revealed the following facts On March 5, 1991, Messrs Weber, Dickens and Wilson went to the Carolina Freight for grievance hearings After the grievance hearings had concluded, they went to the

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Road Room and the City Dock area briefly to leave campaign literature on tables in each of those rooms. In total the officers spent but a few minutes leaving the literature in both areas after the conclusion of the grievance hearings and before they exited the plant.

The complainants allege that such conduct on the part of the officers is not incidental because two of the complainants, Tony Hooks and Al Walker, took vacation time to campaign in the upcoming delegate and alternate delegate election.

Article VIII, § 10 (b) of the *Rules* provides that officers and employees of the Union may not campaign on time that is paid for by the Union. However, the *Rules* go on to state that "campaigning incidental to regular Union business does not violate the *Rules*." The investigation established that Mr. Weber's, Mr. Dickens' and Mr. Wilson's campaigning was incidental to their regular Union business. It is undisputed that the three officers went to the Carolina Freight facility on the 5th of March to talk to attempt to resolve pending grievances. It is also undisputed that in total they spent but a few minutes leaving campaign literature at the plant prior to exiting the plant. Finally, the fact that the complainants chose to use vacation time for the purposes of campaigning in the upcoming delegate election has no bearing on the question of whether the officers' conduct on the 5th of March was incidental. Since the facts clearly demonstrate that Mr. Weber's, Mr. Dickens' and Mr. Wilson's campaigning activities on March 5 at the Carolina Freight garage were incidental, 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
Peggy A. Hillman, Regional Coordinator