



OFFICE OF THE ELECTION OFFICER  
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Michael H Holland  
Election Officer

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Chicago, IL 60604  
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March 20, 1991

**VIA UPS OVERNIGHT**

Gerald Moerler  
13104 Glen Court, #40  
Chino Hills, California 91709

Vons Grocery Company  
4344 Shirley Avenue  
El Monte, California 91731

Robert Marciel  
Secretary-Treasurer  
IBT Local 63  
1616 West Ninth Street  
Room 205  
Los Angeles, California 90015

Roadway Express  
17401 Adelanto Road  
Adelanto, California 92301

**Re: Election Office Case No P-641-LU63-CLA**

Gentlemen

A pre-election protest has been timely filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest, Gerald Moerler, alleges that Ron Carey, an accredited candidate for International Office, has been denied access to the dock area at Roadway Express in Adelanto, California and to the break room and parking lot at Vons Grocery Company in violation of the *Rules*

The *Rules* provide that no restrictions shall be placed on IBT members pre-existing rights to utilize and have access to employer premises for campaign purposes and campaign activities *Rules*, Article VIII, Section 10(d) IBT members who are employed by a different employer also have certain limited rights of access to engage in campaign activity in non-work areas outside of a plant, terminal, or other facility in locations generally open to the public such as the parking lot or outside the entrance or gates to the facility See Advisory Regarding Political Rights

The investigation in this case does not show that IBT members, whether or not employed by Roadway, have been permitted by Roadway to campaign inside the Roadway facility at the loading dock, a work area There is no right under the *Rules* to campaign in a work area of an employer's facilities Absent discrimination, Roadway is not required to permit such campaigning No discrimination has been alleged or found

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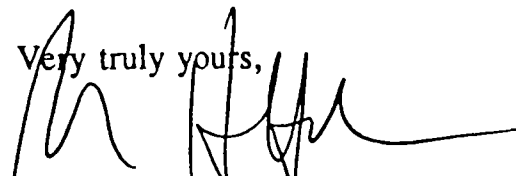
in this case The *Rules* have not been violated, and this aspect of the protest is **DENIED**<sup>1</sup>

The protestor also alleges that Mr Carey has been prevented from engaging in campaign activities in non-work areas during non-work times, at Vons Grocery Company. Similar to the discussion above, absent discrimination, Vons need not provide access to IBT members not employed by it, such as Mr Carey, to the interior of its plant or facility. No discrimination has been alleged, and the Election Officer investigation uncovered no discrimination by Vons among IBT members not employed by it. Thus, Vons did not violate the *Rules* by prohibiting access by Mr Carey to interior areas of its facility, such as break rooms, locker rooms and the like. This aspect of the protest is thus **DENIED**.

To the extent that the protest, with respect to Vons, also relates to the right of Mr Carey to engage in campaign activities outside of the Vons plant or facility such as in the employee parking lot, those allegations were resolved by the Election Officer in Election Officer Case No P-638-LU63-CLA, involving Mr Moerler's protest about access to the employee parking lot at this Vons facility.

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

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<sup>1</sup>There has been no evidence presented in this protest that IBT members have either attempted to campaign, or have been prevented from campaigning, in the parking lot at the Roadway.

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cc Frederick B Lacey, Independent Administrator  
Geraldine L Leshin, Regional Coordinator  
Richard Bennett  
Roadway Services, Inc  
Law Department  
1077 Gorge Boulevard  
Akron, Ohio 44310