



OFFICE OF THE ELECTION OFFICER  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001

Michael H. Holland  
Election Officer

(202) 624 8778  
1 800 828-6496  
Fax (202) 624 8792

April 9, 1991

**VIA UPS OVERNIGHT**

John F. Youngermann  
2033 Willow Trail  
St. Charles, MO 63303

Ron F. Gamache  
Secretary-Treasurer  
IBT Local Union 688  
300 South Grand  
St. Louis, MO 63103

Wagner Div. Cooper Ind.  
Attn: Al Gazert, Security Guard  
3700 Forest Park Ave.  
St. Louis, MO 63108

Wagner Div. Cooper Ind.  
Attn: Mike Milarkey, Labor  
Relations Manager  
3700 Forest Park Ave.  
St. Louis, MO 63108

**Re: Election Office Case No. P-664-LU688-MOI**

Gentlemen

A pre-election protest was 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, John Youngermann alleges that he has been denied access to the property of Wagner Division of Cooper Industries (Wagner) for the purpose of engaging in campaign activities, in violation of the *Rules*. Youngermann is not an employee of Wagner.<sup>1</sup>

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<sup>1</sup>Youngermann is a successful candidate for delegate. He does not allege and the evidence does not support a finding that the conduct that forms the basis of this protest affected the outcome of the election. The protest is not moot, however, since the election for IBT International Officers has not concluded.

The protest was investigated by Regional Coordinator Mike Gordon and Adjunct Coordinator Joe Cannavo. The investigation discloses the following facts. On March 12, 1991, Youngermann commenced handbilling on the Wagner parking lot together with Wagner employee Alex Buford. Wagner employs approximately 300 IBT members who work a 24-hour, 3-shift schedule. When the security guard determined that Youngermann was not an employee of Wagner, he requested that Youngermann leave the property. Youngermann refused to leave, and Wagner called the police. The police arrived and instructed Youngermann to do his campaigning on the public sidewalk near Wagner's entrance. Buford was allowed to stay on the parking lot where he passed out literature until 2:50 pm when he had to report to work. Youngermann handbilled on the public sidewalk until 3:45 pm. Youngermann states that it was difficult to get drivers to stop as they passed, however, some stopped and took his material.

Wagner is located on Forest Park Boulevard in St. Louis, Missouri. The investigation shows that the sidewalk where Youngermann was permitted to handbill is between Forest Park Boulevard and the fenced parking lot. The sidewalk intersects the driveway which is the entrance and exit to the parking lot. A narrow grassy area separates the sidewalk from the street.

In an Advisory Regarding Political Rights, the Election Officer has interpreted the *Rules* to provide that IBT members not employed by the employer have limited access rights in order to campaign face to face with IBT members who are employed at the employer's facility. Where the location of the employer's facility prohibits such face to face contact, IBT members who are not employees can campaign in non-work areas outside of the plant, terminal or other facility in locations generally open to the public such as the parking lot or outside the entrances or entrance gates to the facility.

The Election Officer concludes in this case, however, that IBT members who are not employed by Wagner can safely engage in face to face campaign contact with Wagner's employees who are IBT members from the public sidewalk, as those members enter and, even more easily, as they exit the Wagner parking lot. Therefore, access to the parking lot is not required to facilitate the campaign rights of IBT members not employed by Wagner.

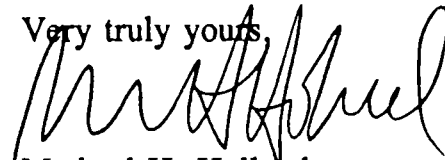
Based on the foregoing, the protest is DENIED.

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,

John F Youngermann  
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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,

A handwritten signature in black ink, appearing to read "Michael H. Holland". The signature is fluid and cursive, with a large initial "M" and "H".

Michael H Holland

MHH/mca

cc Frederick B Lacey, Independent Administrator  
Michael D Gordon, Regional Coordinator