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April 1, 1991

VIA UPS OVERNIGHT

John A Aulicino, Jr
c/o The Democracy Slate
Rd #1, Box 280 A
Rayland, OH 43943

William F Genoese
Secretary-Treasurer
IBT Local Union 732
15 East 26th Street
Suite 1508
New York, NY 10010

Re: Election Office Case No. P-679-LU732-NYC

Gentlemen

A pre-election protest was timely 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 A Aulicino, Jr , a delegate candidate, alleges that he has been prohibited by his employer, U S Air, and the Local Union from posting campaign material on bulletin boards while the candidate slate which includes Secretary-Treasurer William F Genoese has been permitted to make such campaign postings

The protest was investigated by Regional Coordinator Amy Gladstein The investigation discloses the following facts Aulicino is employed at the Pittsburgh hub of U S Air Each break room located at this hub has both Union and company bulletin boards The Union board is glass enclosed and locked The stewards as well as the business agents have keys to the boards The company board is a cork board, not enclosed or locked

The investigation shows that the company boards are really used as general purpose boards The investigation shows that these bulletin boards have, and have previously had, posted materials such as flyers advertising the sale of cars and other personal property Additionally, the delegate slate which includes Mr Genoese has posted campaign material on certain of the company boards

The Union boards have also been used by the Genoese Slate to post campaign material For example, during the weeks of March 11, 1991, and March 21, 1991, the Union boards contained a multi-page flyer for the Genoese Slate, and a one page

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invitation to a fundraising party for such slate. The Union bulletin boards also contained material disparaging the Ron Carey campaign for IBT General President.

Subsequent to the investigation, the employer agreed, consistent with the Election Officer's position, to permit all IBT members to post campaign materials on all unlocked company bulletin boards at all U S Air facilities where IBT members work. Thus, this aspect of the protest is considered resolved.

Local 732's denial of campaign access to the Union boards by Aulicino or other IBT members for posting campaign material, while permitting some campaign literature to be posted on these boards, is a violation of Article VIII, § 10 (d) of the Rules. To remedy the violation, the Election Officer orders Local 732 to cease and desist from refusing to post campaign materials for all candidates on the Local Union bulletin boards located at U S Air facilities where IBT members work. Local 732 shall direct all stewards and business agents who have keys to the Union bulletin boards to post campaign materials for all candidates when so requested by any IBT member. The Secretary-Treasurer of Local 732 shall file an affidavit with the Election Officer within five (5) days of the date of this decision indicating all steps taken to comply with this decision.

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
Amy Gladstein, Regional Coordinator

Betty Hawkins, Attorney for U S Air
Crystal Park Four
2345 Crystal
Arlington, VA 22227