



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

Michael H. Holland
Election Officer

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July 29, 1991

VIA UPS OVERNIGHT

Daniel A. Tuffs, Jr.
7235 W. 109th St.
Worth, IL 60544

William Joyce
Secretary-Treasurer
IBT Local Union 710
4217 S. Halsted St.
Chicago, IL 60609

Ray Litza
City Dispatch Manager
Advance Transportation Co.
6767 W. 75th St.
Bedford Park, IL 60638

Tom Harper
Terminal Manager
Advance Transportation Co.
6767 West 75th Street
Bedford Park, IL 60638

Re: Election Office Case No. P-824-LU710-CHI

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Daniel A. Tuffs, a member of Local Union 710 and an employee of Advance Transportation Company. Mr. Tuffs contends that he has been inappropriately barred from the lunch or break room at his employer's terminal. He claims that by being prevented from eating his lunch and taking his breaks in the Advance lunch/break room, his rights under Article VIII, § 10(d) of the *Rules* have been wrongfully curtailed. See Advisory Regarding Political Rights, issued December 28, 1990.

Daniel A. Tuffs, Jr.
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Subsequent to the filing of this protest, Advance Transportation Company confirmed that Mr. Tuffs is and will be permitted to eat his lunch and/or take his breaks in the lunch/break room of the Bedford Park Advance Transportation facility and will be permitted to engage in campaigning within the meaning of Article VIII, § 10(d) of the *Rules* during such time and in such room.¹ The position taken by Advance Transportation Company is consistent with the Election Officer's position. Accordingly, this protest is considered 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/mjv

cc: Frederick B. Lacey, Independent Administrator
Julie E. Hamos, Regional Coordinator

¹Mr. Tuffs was notified by Adjunct Coordinator Deborah Schaff of Advance's position on July 25, 1991.