



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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October 2, 1991

VIA UPS OVERNIGHT

T. K. Johnson
1124 W. Walnut
El Reno, OK 73036

Fleming Foods
10 E. Memorial Rd.
Oklahoma City, OK 73114

Charlie Thompson
President
IBT Local Union 886
3528 W. Reno
Oklahoma City, OK 73125

Aaron Belk
6502 Poplar Corner
Walls, MS 38680

Re: Election Office Case No. P-933-LU886-SOU

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by T. K. Johnson, on behalf of Aaron Belk, a nominated candidate for IBT International Union Vice-President. In his protest, Mr. Johnson claims that on September 23, 1991 at approximately 3:00 p.m., he, Aaron Belk and Deforest Haskell went to Fleming Foods, an employer of IBT members, located at 10 East Memorial Road, Oklahoma City, Oklahoma for the purpose of campaigning. Neither Messrs. Johnson, Belk nor Haskell are employees of Fleming Foods. Mr. Johnson states that they were advised by the security guard that they were not allowed to campaign on company property, outside the entry gate or in the parking lot. Mr. Johnson contends that during the Local Union delegate election, campaigning was allowed in the parking lot and access to the interior of the facility was allowed for the purpose of posting campaign materials.

Article VIII, § 10 of the *Rules* prohibits the placement of restrictions upon candidates' or members' pre-existing rights to engage in campaign activities on employer premises or use general purpose bulletin boards located in employer premises for campaign postings. Fleming Foods admits that access was denied as alleged in the protest. Fleming asserts that access was denied due to a misunderstanding by its managerial employees of Fleming's decision to permit campaign access to its employee parking lots at all its facilities and also to permit IBT members not employed by it access to its facilities for the sole purpose of posting campaign literature on general purpose bulletin boards.

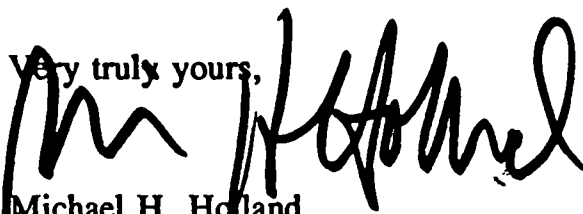
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Accordingly, Fleming has agreed to permit - with respect to the 1991 IBT International Union officer election - IBT members not employed by it entry into its Oklahoma City, Oklahoma facility and all its other facilities where IBT members are employed for the purpose of posting campaign material on the bulletin board located in non-work areas of such facilities. The Election Officer commends Fleming Foods and notes that its agreement to permit IBT members including those not employed by it to post campaign literature on the bulletin board at its facilities furthers the intent of Article VIII, § 10(d) of the *Rules*.

Fleming Foods has also agreed, consistent with the Election Officer's position, that IBT members including those not employed by it or employed at its Oklahoma City, Oklahoma facility may engage in campaign activities in the employee parking lot at the Oklahoma City, Oklahoma warehouse. Fleming Foods has agreed to permit such access at all its facilities where IBT members are employed. Again, Fleming's agreement to permit such access is appropriate and consistent with the underlying purposes of Article VIII, § 10(d) of the *Rules*.

Fleming has also agreed to notify all appropriate managerial and supervisory employees at all facilities employing IBT members of Fleming's access decisions set forth above. In accordance with the foregoing, this instant 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

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