



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H Holland
Election Officer

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Chicago, IL 60604
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February 22, 1991

VIA UPS OVERNIGHT

W S Cunningham
8912 S Miller
Oklahoma City, OK 73159

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

Earl China
13201 Three Oaks Drive
Jones, OK 73049

Terry C. Raulston
1024 S.W. 97th Street
Oklahoma City, OK 73139

Re: Election Office Case No. ~~P-274~~-LU886-SOU

Gentlemen:

A post-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, Mr. W S Cunningham alleges that the outcome of the delegate election in Local Union 886 may have been affected because he was denied equal campaign access to IBT members employed by Homeland, Inc. He also alleges that Charlie Thompson, President of Local 886, and the Business Agents campaigned at Homeland during time that was paid for by the Local Union

The Election Officer does not reach the issue as to whether the alleged conduct in this case may have affected the outcome of the election. ~~Since a new election has been directed by today's Election Officer's decision in P-274-LU886-SOU, the Election Officer need not, and thus declines to determine whether the acts alleged in this protest may have affected the outcome of the election.~~

With respect to the rerun election, the Election Officer notes that Homeland, Inc has agreed with the Election Officer that IBT members not employed by Homeland will be granted access to the Homeland facilities to engage in campaign activity during lunch and break periods, and in non-work areas, during non-work time during three separate days, all prior to the date of the new election. The campaigning dates will be established by the Regional Coordinator in consultation with the management of

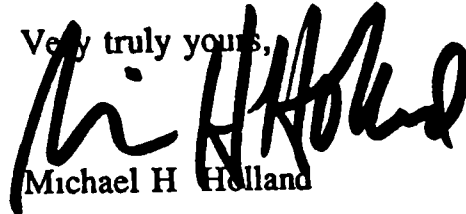
W S Cunningham
Page 2

Homeland. The management further agrees that they will instruct the president of the Local and the Local's Business Agents that they will not be permitted to otherwise campaign at the premises of Homeland.

~~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, 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
Larry R Daves, Regional Coordinator

David M. Ellis
Clark, West, Keller
4800 Renaissance Tower
Dallas, Texas 75270