

December 3, 1996

VIA UPS OVERNIGHT

Richard Carlucci
1925 S. Lombard
Cicero, IL 60804

Martin Wald
Schnader, Harrison, Segal & Lewis
1600 Market Street, Suite 3600
Philadelphia, PA 19103

Re: Election Office Case No. P-1301-UPS-NYC

Gentlemen:

Richard V. Carlucci, a member of Local Union 705, filed a pre-election protest pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")* alleging that Bedford Park UPS Facility Manager Jim McAuley threw away campaign materials that he placed in non-work areas in the facility while he was on free time.

UPS has agreed to make a posting reiterating employees' rights to campaign under the *Rules*.

New York City Protest Coordinator Barbara C. Deinhardt investigated this protest.

Mr. Carlucci alleges that on the morning of November 22, 1996, he walked through the Bedford Park UPS facility spreading campaign literature in all the cafeterias and locker rooms. Upon completing his rounds, he went back to one of the cafeterias to talk to one of the other drivers. He found that the campaign materials had been removed and thrown in the garbage. Mr. Carlucci

then went back to one of the locker rooms and observed Mr. McAuley picking up the flyers Mr. Carlucci had just put down.

During the investigation of this protest, UPS agreed to post a notice stating the following:

**NOTICE TO IBT-REPRESENTED EMPLOYEES
AT THE BEDFORD PARK UPS FACILITY**

You have the right to participate in the IBT election of International Officers and to support and campaign for the candidate of your choice. UPS permits its employees to campaign on non-working time and in non-working areas which are comprised of the locker room and the cafeteria in this facility. UPS will not interfere with these rights.

Accordingly, the Election Officer finds that this protest is RESOLVED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one day of 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:

Kenneth Conboy, Esq.
Latham & Watkins
885 Third Avenue, Suite 1000
New York, NY 10022
Fax (212) 751-4864

Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 N. Capitol Street, Suite 855, Washington, DC 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel
Election Officer

cc: Kenneth Conboy, Election Appeals Master
Barbara C. Deinhardt, New York City Protest Coordinator