

March 5, 1996

VIA UPS OVERNIGHT

William Overy
707-511 Canonberry Court
Oshawa, Ontario L1G 2Z4

Randy Doner
73 Calais Street
Whitby, Ontario L1N 5M3

Re: Election Office Case No. P-515-LU647-CAN

Gentlemen:

A pre-election protest was filed pursuant to Article XIV, Section 2(b) of the *Rules for the IBT International Union Delegate and Officer Election ("Rules")* by William Overy a candidate for delegate from Local Union 647, against Randy Doner, also a member of Local Union 647 and candidate for delegate. Mr. Overy complains that on February 21, 1996, at about 3:00 p.m., at Ault Foods in Markham, Ontario, Mr Doner campaigned during working hours.

The protest was investigated by Regional Coordinator Gwen Randall.

Campaigning during working hours is forbidden by Article VIII, Section 11 of the *Rules*. However, Section 11 explicitly permits campaigning during paid vacation, paid lunch time and other breaks.

In response to the protest, Mr. Doner stated that he did in fact meet with union members in a lunch room at the work site in question. However, on that day, February 21, Mr. Doner was on vacation, and at that time, 3:00 p.m., the employees were on their afternoon break. Accordingly, the

Election Officer finds that while campaigning did take place, it occurred at times (Mr. Doner's vacation and the employees' breaks) permitted by the *Rules*.

Accordingly, the protest is DENIED.

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
Gwen K. Randall, Regional Coordinator