

March 25, 1996

VIA UPS OVERNIGHT

Earl Parker  
129 Fletcher Ford Road  
Fayetteville, GA 30215

Don Martin, Terminal Manager  
Emery Air Freight  
1053 Willingham Drive  
East Point, GA 30344

Election Office Case No. P-576-LU728-SEC

Gentlemen:

Earl Parker, a member of Local Union 728 and a candidate for delegate on the Concerned Teamster slate, 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")*. Mr. Parker alleges that he and fellow slate candidate, Chuck Stiles, were denied access to the parking lot of Emery Air Freight ("Emery") for the purpose of campaigning, in violation of Article VIII, Section 11 of the *Rules*. The Election Officer deferred the protest for post-election review pursuant to her authority under Article XIV, Section 2(f)(2).

The protest was investigated by Regional Coordinator J. Griffin Morgan.

The facts are undisputed. On Wednesday, February 28, 1996, Mr. Parker and Mr. Stiles were campaigning in the parking lot of Emery when they were asked to leave by Terminal Manager Don Martin. Prior to their leaving, however, Mr. Martin agreed to refer the matter to their labor relations department.

Earl Parker  
March 25, 1996  
Page 2

After discussing the matter with the Regional Coordinator, Emery agreed to allow candidates access to the employee parking lot if they contact the company first and have identification with them when they come to campaign. The Regional Coordinator contacted Mr. Parker and Mr. Stiles on March 3, 1996, and advised them that Emery would permit access. Mr. Parker and Mr. Stiles campaigned at Emery prior to the ballot count on March 14, 1996.

Based upon the foregoing, the 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  
J. Griffin Morgan, Regional Coordinator