

June 7, 1996

VIA UPS OVERNIGHT

John F. Murphy, Secretary-Treasurer
Teamsters Local Union 122
650 Beacon Street
Boston, MA 02215

Barry Guryan
Epstein, Becker and Green
75 State Street
Boston, MA 02109

OSRAM-SYLVANIA
75 Sylvan Street
Danvers, MA 01923

Re: Election Office Case No. P-758-LU122-ENG

Gentlemen:

John F. Murphy, a member of Local Union 122, 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. Murphy alleges that he and five other members were denied access for campaign purposes to the employee parking area at the Osram-Sylvania ("Sylvania") manufacturing facility on May 1, 1996. The group intended to hold signs and distribute leaflets supporting the candidacy of James P. Hoffa for general president.

Associate Regional Coordinator David F. Reilly investigated the protest.

The group entered the parking area at approximately 3:00 p.m. It is undisputed that within a few minutes, they were instructed to leave by Lucy Shiff, Sylvania's director of human resources. Mr. Murphy states that he informed Ms. Shiff about the right of parking lot access under the *Rules*. At his request, she contacted Sylvania's counsel, who professed no knowledge of such a right. Ms. Shiff then called the Danvers police. After a discussion with the police, the group was ordered to leave the parking area and go to the public sidewalk off Sylvania's premises.

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Article VIII, Section 11(e) of the *Rules* creates a limited right of access to IBT members and candidates to distribute literature and seek support for their campaign in any parking lot used by union members to park their vehicles in connection with their employment. While "presumptively available," this right is not without limitations. It is not available to any employee on working time, and candidates and their supporters cannot solicit or campaign to employees who are on working time. It is also restricted to campaigning that will not materially interfere with an employer's normal business activities.

Sylvania has informed the Election Officer that it will permit parking lot access at the facility in question, in accordance with the *Rules*. Under these circumstances, the Election Officer concludes that further processing of this protest is unwarranted. The protesters' complaint, as stated in the protest, has been addressed, and relief has been provided.

Accordingly, this protest is now 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
David F. Reilly, Associate Regional Coordinator