

October 19, 1998

George Saavedra  
845 Thetford Place  
Fairfield, CA 94533

Scott Jardine, Manager  
Albertson's Food & Drug Stores  
Distribution Center  
9999 Niblick Drive  
Roseville, CA 95678

Allan Richards  
Labor Relations Representative  
Albertsons, Inc.  
250 Parkcenter Blvd.  
Box 20  
Boise, ID 83726

Tom Leedham Campaign Office  
P.O. Box 15877  
Washington, DC 20003

Arthur Z. Schwartz  
Kennedy, Schwartz & Cure, P.C.  
113 University Place  
New York, NY 10003

Linda Cook, HR Director  
Albertson's Food & Drug Stores  
Distribution Center  
9999 Niblick Drive  
Roseville, CA 95678

Ken Mee  
42356 Greenbrier Park Drive  
Freemont, CA 94538

**Re: Election Office Case No. PR-326-LU490-EOH**

Gentlemen:

George Saavedra, a member of Local Union 490, 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")*** against Albertsons, Inc.. The protestor alleged that on October 6, 1998, he and Ken Mee, a candidate for Western Region Vice-President on the Leeham Rank and File Power Slate attempted to campaign and to distribute leaflets in the employee parking lot at the Albertsons, Inc. facility located at 9999 Niblick Drive, Roseville, California, and that Albertsons denied them access, in violation of the ***Rules***.

Albertsons contends that Mr. Mee brought a large truck with him into the lot and was asked to park the truck out on the street. Albertsons also contends that it was unaware that the

Robert F. McNattin  
October 19, 1998  
Page 2

**Rules** for the 1995-1996 election had been extended to the International Officer Rerun Election which is currently being conducted.

The protest was investigated by Protest Chief Mary E. Leary.

Article VIII, Section 11(e) of the **Rules** creates a limited right-of-access to IBT members and candidates to distribute literature and to 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. An employer may require reasonable identification.

The right to leaflet and campaign is a personal right to meet and to speak with members and to personally pass out leaflets; however, it does not extend to the right of access to trailers, tents or any other vehicles for campaigning. See Young, P-266-IBT-SCE (January 4, 1996) and Mee, P-835-IBT-CLA (July 18, 1996).

The Protest Chief discussed the denial of access with the labor relations representative for the Roseville, California facility. Albertsons has now agreed that candidates and union members can campaign in the employee parking lot at it 9999 Niblick Drive, Roseville, CA facility during the duration of the International officer Rerun Election.

Based on the above, the Election Officer is satisfied that the protest has been 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, D.C. 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Robert F. McNattin  
October 19, 1998  
Page 3

Sincerely,

Michael G. Cherkasky  
Election Officer

cc: Kenneth Conboy, Election Appeals Master