



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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January 15, 1991

VIA UPS OVERNIGHT

Gerald Moerler
13104 Glen Ct #40
Chino Hills, CA 91709

Scott T Askey
434 S 2nd St 1-A
Barstow, CA 92311

Robert Marciel
Secretary-Treasurer
IBT Local 63
1616 W Ninth St
Room 205
Los Angeles, CA 90015

Jim Santangelo
Secretary-Treasurer
IBT Local 848
9960 Baldwin Place
El Monte, CA 91731

Re: Election Office Case Nos. P-123-LU63-CLA and P-127-LU63-CLA

Gentlemen

Pre-election protests were timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") Messrs Scott Askey and Gerald Moerler, candidates for delegate to the 1991 IBT International Convention, contend that the *Rules* have been violated because Local 63 has failed to furnish each of them an accurate list of employer work sites.

The investigation shows that Moerler and Askey each requested work site lists from the Local in November 1990. Mr Moerler requested the list on November 23, 1990, and Mr Askey requested the list on November 11, 1990. The Local furnished an initial list that identified Employer work sites only by P O Box or through the address of out of state corporate headquarters. Both Messrs Askey and Moerler wrote the Local, requesting accurate work site addresses. Mr Askey mailed his letter on December 2, 1990 by certified mail, and Mr Moerler mailed his second request certified mail on December 6, 1990. The Local Union had not complied with the request by December 12, 1990, and this protest was filed.

The *Rules* specify that each candidate for delegate and each International Officer candidate has the right to inspect and make notes from all collective bargaining

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agreements covering any member of the Local Union This right may be satisfied by the local Union providing a list of all the sites with addresses where any and all of its members work A request to inspect the agreements or to receive a worksite list shall be honored by the Local Union within five days *Rules*, Article VIII, § 1

Subsequent to the filing of the protest, the Local Union informed the Election Officer representative that it would be able to furnish an accurate worksite list to Messrs Askey and Moerler no later than the close of business on January 5, 1991.

The Local Union did furnish the list by January 5, 1991, and the Election Officer has verified that the list is complete and employers are correctly identified by job site address rather than Post Office Box

Because, however, the time lapse between the date of the initial request (November 11, 1990) and the date that the material was supplied by the Local (January 4, 1991) far exceeds the five day time limit specified in the *Rules*, and because there has been some confusion about a candidate's entitlement to worksite information, the Election Officer directs the Local to post the attached notice on all Union bulletin boards maintained by Local Union 63 The Secretary-Treasurer of the Local shall furnish the Election Officer with an affidavit indicating steps that have been taken to post the notice The affidavit shall be filed no later than February 1, 1991

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their 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 Independent Administrator Frederick B Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693 Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D C 20001, Facsimile (202) 624-8792 A copy of the protest must accompany the request for a hearing

Very truly yours,

Michael H Holland

MHH/mca

cc: Frederick B Lacey, Independent Administrator
Geraldine L Leshin, Regional Coordinator

NOTICE TO ALL MEMBERS OF IBT LOCAL UNION 63

You have the right to campaign on behalf of any candidate for International Office in the IBT

You have the right to run for the position of delegate or alternate delegate to the IBT International Convention

If you are a candidate for delegate or alternate delegate in Local Union 63, you have the right under the *Election Rules* to request access to a worksite list, a list of employers identified by addresses where any and all IBT members work

The Local Union is required to respond to your request within five days after they receive such request. Failure to respond is a violation of the *Election Rules*

Robert E Marciel, Secretary-Treasurer, IBT Local 63

This is an official notice and must remain posted for thirty consecutive days from the day of the posting, and must not be altered, defaced, or covered by any other material