



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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January 2, 1991

VIA UPS OVERNIGHT

Ken Mee
42356 Greenbrier Park Drive
Fremont, CA 94538

Mario Gullo
Secretary-Treasurer
IBT Local 287
1452 N. 4th Street
San Jose, CA 95112

Northern California Teamster
c/o IBT Joint Council 7
150 Executive Park Boulevard
San Francisco, CA 94134

Re: Election Office Case No. P-135-LU287-CSF

Gentlemen:

A pre-election protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). The protest concerns the notice of nomination and election of delegates and alternate delegates for Local 287 appearing in the December issue of the Northern California Teamster. The protest also challenges the Election Officer's approval of a Local Union Plan for Local 287 providing for in-person voting.

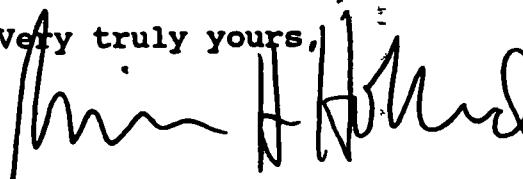
A new notice of nominations and election for delegate and alternate delegates from Local 287 will be printed in the January 1991 issue of the Northern California Teamster. Local 287 is also agreed to extend the dates for nominations and election. Based on this understanding, the protester, Ken Mee, seeks to withdraw that portion of his protest. The Election Officer has determined that the reprinting of the nominations and election notice and the extension of the nominations and election dates will cure whatever confusion that was caused by the apparently inadvertent error in the December issue of the Northern California Teamster. On this basis the Election Officer approves Mr. Mee's withdrawal of that portion of his protest.

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The second portion of the protest concerns the voting method by which Local 287's delegates and alternate delegates will be elected. Under the *Rules*, the Local Union Plan process, including the approval of the Local Union Plan, is solely within the discretion of the Election Officer. *Rules*, Article II, §1 and 2. Further the *Rules* provide that it is the Election Officer who will determine the methods of conducting the election, including the type of voting and/or balloting to be used. *Rules*, Article II, §2(b)(5). Thus the terms of the Local Union Plan as well as the voting methods to be utilized in the delegate and alternate delegate election, whether as proposed by the Local Union or approved by the Election Officer, are not subject to protest pursuant to Article XI of the *Rules*. Thus, this portion of the protest is DENIED.

If any person is not satisfied with this determination, he may request a hearing before the Administrator within twenty-four (24) hours of his receipt of this letter. Such request shall be made in writing and shall be served on Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, N.J. 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. 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.

Very truly yours,



Michael H. Holland

MHH/BJH/sst

cc: Mr. Frederick B. Lacey
Donald E. Twohey, Regional Coordinator