



OFFICE OF THE ELECTION OFFICER  
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Michael H. Holland  
Election Officer

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343 South Dearborn Street  
Chicago, IL 60604  
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January 22, 1991

**VIA UPS OVERNIGHT**

Jack Barmon  
11760 S W. 83rd Court  
Miami, FL 33156

Tony Cannestro  
President  
IBT Local Union 769  
8350 N.W. 7th Ave.  
Miami, FL 33150

United Parcel Service  
Raul Paredes, Center Manager  
Miami South Center  
14200 S.W. 256 St.  
Miami, FL 33030

**Re: Election Officer Case No. P-256-LU769-SEC**

Gentlemen:

A pre-election protest was filed pursuant to Article XI of the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990 ("Election Rules"). In his protest the complainant, Jack Barmon, alleges that the Election Rules were violated by the United Parcel Service ("UPS") when UPS issued a warning to IBT member and UPS employee Larry Henize for engaging in campaign activities in non-work areas during non-work times

This matter has been discussed between counsel for the Election Officer and counsel for UPS. In those discussions UPS recognized, as it has consistently recognized in the past, that IBT members who are employed by UPS have the right to engage in campaign activities, including the distribution of campaign materials, in non-work areas during non-work times. The warning letter issued to Mr. Henize will be rescinded and removed from his personnel file.

In light of the forgoing the Election Officer finds that the instant protest is moot.

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

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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  
Election Officer

cc Frederick B. Lacey, Independent Administrator, IBT  
Don Williams, Regional Coordinator  
Martin Wald