



OFFICE OF THE ELECTION OFFICE
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Michael H. Holland
Election Officer

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January 24, 1991

VIA UPS OVERNIGHT

W.S. Cunningham
8912 S. Miller
Oklahoma City, OK 73159

Charlie Thompson
President
IBT Local Union 886
3528 W. Reno
Oklahoma City, OK 73125

Chester Misilek
District Manager
Homeland, Inc.
400 N E. 36th St.
Oklahoma City, OK 73105

Re: Election Office Case No. P-290-LU886-SOU

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 refusal of Homeland, Inc., an employer of Local Union 886 members, to allow campaigning in its break and lunch rooms by Local 886 members not employed by Homeland. The protest alleges that in previous elections involving Local Union 886, this employer has permitted Local Union members not employed by it to campaign in its lunch and break rooms.

After the filing of the protest, representatives of Homeland, Inc. agreed, consistent with the position of the Election Officer, to permit campaigning in its premises consistent with the alleged prior practice. In accordance with this understanding, and given the timing of the election in Local Union 886, Homeland, Inc. agreed to permit two representatives of each of the slates and a single representative of each of the independent candidates competing in the delegate and alternate delegate election with respect to Local Union 886 to campaign in the break and/or lunch rooms of its facilities located at 400 NE 36th St, on January 22, 1991, during the period of time that Local Union 886 members employed by Homeland are on break or lunch time. All independent candidates and representatives of both slates were telephonically notified on January 21, 1991 by the Election Officer Regional Coordinator of their right to access

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as described above. Representatives of Homeland, Inc. have also assured the Election Officer that they would attempt to give similar telephonic notice to the representatives of both slates as well as all the independent candidates.

The instant protest is resolved on the foregoing basis.

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
Larry R. Daves, Regional Coordinator