

OFFICE OF THE ELECTION OFFICER (% INTERNATIONAL BROTHERHOOD OF TEAMS) ERS

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Michael H Holland Election Officer Chicago Office % Cornfield and Feldman 343 South Dearborn Street Chicago, IL 60604 (312) 922 2800

March 6, 1991

VIA UPS OVERNIGHT

Steve MacDonald 975 Hillview Drive Dixon, California 95620 Casey Sawyer Secretary-Treasurer IBT Local Union 490 445 Nebraska Street Vallejo, California 94590

Re: Election Office Case Nos.

P-324-LU490-CSF P-520-LU490-CSF

Gentlemen

A pre-election protest was timely filed pursuant to Article XI, Section 1 of the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990 ("Rules") In his protest, Steve McDonald alleges that the Rules have been violated because he has been denied access to a list of the work-site addresses where Local 490 members are employed

The Rules do provide that IBT members who are candidates have the right to inspect collective bargaining agreements in order to obtain addresses where members who are covered by those agreements work Rules, Article VIII, Section 1 To the extent the agreements fail to yield those addresses, the Local may be required to provide work-site addresses

The investigation in this case showed that Local 490 collective bargaining agreements do not yield all of the work-site addresses. After inspecting the contracts, Mr McDonald sought all of the addresses not furnished by the agreements. The Local asserted, however, and Mr McDonald agreed that he had independent knowledge of many of the job sites and had in fact campaigned at those sites.

The Local Union agreed with the Election Officer, that it would provide Mr McDonald with the addresses of all those sites whose addresses were not known to him

Pursuant to this agreement, Mr McDonald amended his request for job-site addresses, and the Local promptly supplied the addresses for those sites

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The Election Officer determines that because Mr. McDonald has now been furnished all work-site information that will allow him complete access to the membership, the protest is RESOLVED

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 fruity yours

Michael H. Holland

MHH/ads

cc Frederick B Lacey, Independent Administrator Donald E Twohey, Regional Coordinator