

OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001

Michael H. Holland  
Election Officer

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May 8, 1991

**VIA UPS OVERNIGHT**

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

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

Vons Grocery Co.  
4344 Shirley Ave.  
El Monte, CA 91731

**Re: Election Office Case No. P-751-LU63-CLA**

Gentlemen:

An election protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Gerald Moerler. Mr. Moerler contends that he has been denied access to the bulletin boards at the Boxford facility of Von's Grocery Company in violation of the *Rules*. Mr. Moerler also contends that the failure of Von's to provide access to the Boxford facility bulletin board constituted a failure on the part of Von's to comply with prior decisions rendered by the Election Officer concerning bulletin board access; Mr. Moerler points specifically to Election office Case Nos. P-211-LU63-CLA and P-414-LU63-CLA.

The Election Officer investigation found the following. As Mr. Moerler points out, the instant protest is not the first protest filed with the Election Officer concerning the posting of campaign materials on bulletin boards at Von's facilities. However none of the prior decisions involved the Boxford facility; the prior decisions involved the Von's facilities at Santa Fe Springs and the facility at El Monte. No prior protest has been filed regarding specifically regarding the bulletin board, or access to the bulletin board, at the Von's Boxford location.

The drivers' room at the Boxford facility, where the bulletin board in question is located, was recently remodeled. In order to accomplish such remodeling, the bulletin board had to be removed and reinstalled; the carpenter with responsibility for so doing was given the key to the board in order to facilitate his work. After the conclusion of the remodeling project, the carpenter inadvertently failed to return the key to appropriate

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supervisory personnel of the Von's Boxford facility. Thus the key was missing for a few days and Mr. Moerler, as well as all other IBT members, were unable to gain access to the bulletin board for posting of campaign material during that short interval.

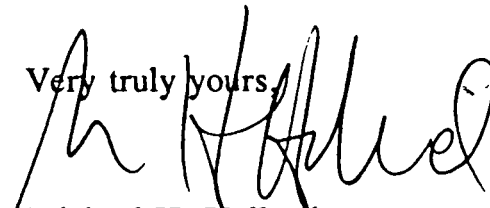
The key has now been returned. The key will be available 24 hours a day, seven days a week, in order that Mr. Moerler and other IBT members may have access to the bulletin board for posting of campaign materials. In addition, all supervisory employees of Von's, including Jake Kalisvaart, will be specifically instructed that access to the bulletin board by IBT members for campaign posting is a fundamental requirement of the *Rules*; all supervisors will be specifically instructed that they must open the bulletin board upon request and refrain from making snide or supercilious comments regarding campaign activities or campaign postings.

Under the foregoing circumstances, the Election Officer declines to find a *Rules* violation. Further, and assuming that the prior protest resolutions applied to the Boxford facility at its bulletin board, the Election Officer finds no evidence to support the contention that there has been a willful failure or refusal on the part of Von's or any of its supervisory employees to comply with that agreement.

Constant and continual access to the bulletin board is now assured. All supervisory employees of Von's have been appropriately instructed with respect to insuring that IBT members have access to such bulletin board for campaign postings and are not subject to inference or harassment with respect to such access. The protest is considered 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 truly yours,



Michael H. Holland

MHH/pjm

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