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Election Officer

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March 12, 1991

VIA UPS OVERNIGHT

Caroldean Kahue
41-1710 Kalamanaole Hwy
Waimanalo, HI 96795

Art Rutledge
Secretary-Treasurer
IBT Local Union 996
615 Puikoi St
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94-929 Lumiloke St
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Michael Chambrella
c/o Local Union 996
615 Puikoi St
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Honolulu, HI 96814

Re: Election Office Case No. P-584-LU996-RMT

Gentlemen

Pre-election protests were timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In their protests, Caroldean Kahue, Julio Quioco, and Sylvia Mano allege that Dean Masai, Artesha K'Olmos, and Philip West have engaged in campaign activity on behalf of a delegate and alternate delegate slate seeking election to those positions from Local 996 during time paid for by Local 5, H E R E

The investigation discloses that Dean Masai, Artesha K'Olmos and Philip West are all employees of Local 5 H E R E , a labor organization not affiliated with the International Brotherhood of Teamsters. On Monday, February 25, 1991, at or about 2 30 p m , K'Olmos and West campaigned on behalf of the Chambrella/Rutledge Unity Team at Queens Medical Center. On February 26, 1991, at around 1 00 p m , K'Olmos

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campaigned at Young Laundry On Tuesday, February 26, 1991, at or about 6 30 p m , Masai delivered literature on behalf of the Chambrella/Rutledge Unity Team at Washington Intermediate School at around 6 30 p m

The investigation discloses that during all hours that the campaign activity occurred, K'Olmos and West were on leave of absence without pay from their employment with Local 5, H E R E Masai's normally scheduled work day is 8 00 a m to 5 00 p m. He was on his way home from work when he delivered the campaign literature at 6 30 p m The evidence does not show that Masai engaged in any additional campaigning

The *Rules* permit the donation of services by an individual to a candidate so long as the services are rendered on the individual's personal free time without compensation in any form by an employer or labor organization *Rules*, Article X, § 1 (b)(6) Thus K'Olmos, Masai, and West can campaign for an IBT candidate even though they are employees of another Union, so long as they campaign on personal time Since the evidence submitted to the Election Officer indicates that the campaigning occurred during personal time, there is no violation of the *Rules* The protest is DENIED

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
Bruce Boyens, Regional Coordinator