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January 22, 1991

**VIA UPS OVERNIGHT**

Robert A. Hasegawa  
3121 16th Ave. S.  
Seattle, WA 98144

Richard Kraft  
4432 176th S. W. #4  
Lynnwood, WA 98037

Dale H. Kallenberger  
32820 20th Ave., So. #63  
Federal Way, WA 98003

Allen McNaughton  
Secretary-Treasurer  
IBT Local Union 174  
553 John Street  
Seattle, WA 98109

Re: Election Office Case Nos. P-264-LU174-PNW  
P-285-LU174-PNW  
P-301-LU174-PNW  
P-303-LU174-PNW

Gentlemen:

A pre-election protest was timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*. In the protest, Messrs. Dale Kallenberger, Richard Kraft, and Robert Hasegawa, contend that Local Union 174 has failed to meet its obligation under the *Rules* to furnish them a worksite list that identifies worksites by addresses where IBT members work. All protestors are candidates for delegate to the IBT International Convention.

The investigation shows the following. Richard Kraft made a request for worksite lists from his Local in early December, 1990. Local 174 chose to provide him with access to collective bargaining agreements covering members of the Local. Mr. Kraft and two other members reviewed the agreements on December 10, 1990, but found that the documents did not contain addresses of employers. On December 12, 1990, Mr. Kraft filed a protest, P-103-LU174-PNW with the Election Office. Subsequent to the filing of the protest Regional Coordinator Christine Mraak conferred with the Local Union

and the Local agreed to provide a worksite list that identified employers by the address where members worked. Based on this assurance from the Local, Mr. Kraft withdrew his protest. Upon actual receipt of the list, however, Mr. Kraft filed an additional protest because the list supplied by the Local identifies many employers by Post Office box addresses rather than worksite.<sup>1</sup> The protests of Messrs. Kallenberger and Mr. Hasegawa present the same issue.

Article VIII, Section 1(a) of the Rules provides:

Each delegate candidate and each nominated International Officer candidate has the right to inspect and make notes from all collective bargaining agreements covering any member of the Local Union. This right commences on July 1, 1990, for delegate and alternate delegate candidates from Local Unions proposing to hold their delegate and alternate delegate elections in the fall of 1990, and on October 1, 1990, for delegate and alternate delegate candidates from all other Local Unions. This right includes the right to inspect and make notes from the documents identifying employer members of employer associations signatory to collective bargaining agreements covering any member of the Local Union. Requests to inspect or make notes from such contracts shall be made to the Local Secretary-Treasurer or principal executive officer in writing and shall be honored within five (5) days.

Article VIII, Section 1(c) further states that "the right to inspect and make notes from collective bargaining agreements may be satisfied by the Local Union providing, within the five days set forth above, a list of all the sites with addresses where any and all of its members work. Such worksite list shall be arranged by employer name."

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<sup>1</sup>For example, the list contains the following addresses--among others:

Waste Management Northwest  
P.O. Box 768  
Bothell, Washington 98041

Walton Distributing Company  
P O. Box 24763  
Seattle, Washington 98124

West Coast Distributing  
P.O. Box 24647  
Seattle, Washington 98124

Robert A. Hasegawa  
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The purpose of Article VIII, Section 1 of the Rules is to afford candidates an important campaign right: the right to know the employer locations where members work. The Rules recognize that the most effective means of campaigning is face-to-face exchanges between IBT members regarding the candidates and issues of the campaign. The obvious intent of the Rules is to allow candidates the opportunity to meet with and campaign at locations where members are congregated, and to bring their campaign to IBT members at their jobs.

Collective bargaining agreements that do not yield employer addresses well may not allow the essential purpose of the Rules in providing this campaign right to be satisfied. The right to be informed concerning where members work and the right to campaign face-to-face with members at those locations could be severely undermined, and in some circumstances completely abrogated, when a Local Union provides a candidate with collective bargaining agreements that do not contain employer addresses.

In this case the Local is fairly large (7,000 members) and has numerous agreements, including construction agreements covering multiple worksites. The collective bargaining agreements do not yield information that will allow face-to-face campaigning, but neither does the worksite list furnished by the Local.

Since the filing of these protest, the protestors -- or their representatives -- have met with Local 174's business agents. At this meeting the business agents amended the previously provided worksite list by adding addresses where no street addresses previously existed, correcting incorrect addresses and deleting addresses where the worksites have changed. All protestors agree that this list is now appropriate. On this basis, the protest is considered resolved.

If any person is not satisfied with this determination, he may request a hearing before the Administrator within twenty-four (24) hours of his receipt of this letter. Such request shall be made in writing and shall be served on Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, N.J. 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. 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.

Very truly yours,

  
Michael H. Holland

cc. Mr Frederick B. Lacey  
Christine Mrak, Regional Coordinator