



OFFICE OF THE ELECTION OFFICER  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue NW  
Washington DC 20001  
(202) 624 8778  
1 800 828 6496  
Fax (202) 624 8792

Michael H. Holland  
Election Officer

March 21, 1991

Chicago Office  
% Cornfield and Feldman  
343 South Dearborn Street  
Chicago IL 60604  
(312) 922 2800

**VIA UPS OVERNIGHT**

Anna Camenson  
c/o Local Union 996  
615 Piikoi St  
18th Floor  
Honolulu, HI 96814

Harold De Costa  
904 Kohou Street  
Suite 102  
Honolulu, HI 96819

Re. Election Office Case No. P-660-LU996-RMT

Gentlemen

A pre-election protest has been timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In her protest, Anna Camenson alleges that she has been denied membership rights in Local 996 contrary to the *Rules*

The investigation discloses the following facts Anna Camenson was denied access to Local 996 membership meeting of the Movie Production Division on January 25, 1991 The Local has taken the position that Camenson is no longer working at the craft, and is employed by another labor organization not affiliated with the IBT, Local 5 of the Hotel Employees and Restaurant Employees, and is therefore ineligible for membership in Local 996, and is specifically ineligible to vote in the upcoming delegate election It is undisputed that Camenson's dues are paid through the month of June, 1991

Camenson has been a member of the Union's Movie division for 13 years as well as a shop steward The Union serves as an exclusive hiring hall for the movie industry in Hawaii and members are referred for work on a non-seniority basis Local 996 refuses to refer Camenson for work, and refuses to permit her access to the hiring hall, on the grounds that she may no longer be considered a member of Local 996 because she is employed by Local 5

The movie work is seasonal in nature Camenson was last referred to an industry job in March, 1990

Camenson is the sister of Anthony A Rutledge, Vice President of Local 996 In October-November, 1990, Rutledge ran unsuccessfully for President of the Local in an election supervised by the United States Department of Labor Subsequently, challenges were filed to the results of the election and although Rutledge's opponent Harold De Costa has been installed as President, the results of the election have not been certified

Anna Camenson  
Page 2

by the DOL. Nor has the DOL ordered a new election. Camenson has not been referred to a movie industry job since Harold De Costa has assumed office.

It would be inherently unfair for the Local to refuse to refer Camenson through the hiring hall to movie industry jobs, and then claim that she could not exercise membership rights because she is not employed at the craft. The Local in this case has exclusive control over employment in the craft. Camenson has received no offer of work from the Local although she is available for any assignment offered. Her dues are current with the Local and the only barrier to her employment in the craft is the lack of referrals.

Moreover, neither the *Rules* nor the IBT Constitution prohibit a member of the IBT from holding membership or office in another labor organization. Further, Camenson contends that her employment by Local 5 is only temporary. The Election Officer investigation uncovered no evidence to the contrary. Since she has been prevented by Local 996 from obtaining work in her craft and since her employment for Local 5 is temporary, Camenson cannot be denied membership rights on the basis of her employment by Local 5. IBT Constitution, Article XVIII, § 7 (c).

The Election Officer concludes in this case that because Camenson's dues are paid through June 1991, and because she is available for work in the craft should the Local refer her to such work, she is entitled to all membership rights including the right to vote in the upcoming election.

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

996/RMT

IN RE:

ANNA CAMENSON,  
Complainant,

and

HAROLD DE COSTA,  
IBT LOCAL UNION NO. 996,  
Respondents.

91 - Elec. App. - 114 (SA)

DECISION OF THE  
INDEPENDENT ADMINISTRATOR

This matter arises out of an appeal from a March 21, 1991, decision of the Election Officer in Case No. P-660-LU996-RMT. A hearing was held before me by way of telephone conference on March 28, 1991, at which the following persons were heard: John J. Sullivan, on behalf of the Election Officer; and Bert Warashina, on behalf of Local 996. Complainant, Anna Camenson, filed a written submission dated March 27, 1991.

This matter concerns the good standing status of Ms. Camenson so that she may participate in the delegate and International Officer elections to be conducted at Local 996. Many collateral issues were raised by Ms. Camenson and Local 996, such as the political and personal conflicts between Ms. Camenson and the Local; whether the Local received notification of Ms. Camenson's protest in a timely manner; the "status and length of service" of Ms. Camenson with the Local's Movie Division; and whether working the Movie Division is considered "seasonal" work. None of these

issues are relevant to the primary question presented on this appeal.

Pursuant to the IBT Constitution and the Rules For The IBT International Union Delegate And Officer Election (the "Election Rules"), a member's good standing can be interrupted by periods of unemployment in the "craft." Article XVIII, Section 7(c) of the IBT Constitution provides that a member who commences work at another craft outside the jurisdiction of the Local Union "on other than a temporary or part-time basis," will not be allowed to remain a member of the Local Union. The same provision provides for an interruption in good standing status if a "member of a Local Union refus[es] full-time employment when offered "

Mr. Warashina stated that approximately 70 members of the 6,000 member Local 996 work in the Movie Division. Mr. Warashina also acknowledged that the Movie Division has been quite slow and there has been no work for approximately one year.

Given this, Ms. Camenson had obtained employment outside the craft with a non-IBT union. It is not disputed that Ms. Camenson has kept her dues current and, in fact, has overpaid her dues through June 1991. Ms. Camenson was last referred work within the jurisdiction of the Local's Movie Division in March of 1990.

As stated in the Election Officer's Summary:

Ms. Camenson contends that she took employment elsewhere on a temporary basis precisely because she could not obtain work within the jurisdiction of Local 996. The clear implication of Ms. Camenson's protest is that if there was work for her within the jurisdiction of the Local Union, she would be happy to have it. The fact that she has kept her dues payments more than current is

evidence of her intention to stay within the Local's jurisdiction.

Mr. Warashina defends the Local's refusal to acknowledge Ms. Camenson as a member in good standing based solely on the fact that she is working outside the craft. When asked about the other 70 members of the Local Union that will, no doubt, be forced to seek other work due to the lack of employment in the movie industry, Mr. Warashina indicated that he was not aware of any other member working outside the craft. He acknowledged, however, that if the Local strictly followed the policy created in Ms. Camenson's case, it would eventually have to deny each of its members good standing status upon learning that any member had obtained work outside the craft. Mr. Warashina also acknowledged that this was inevitable given the lack of work in the movie industry.

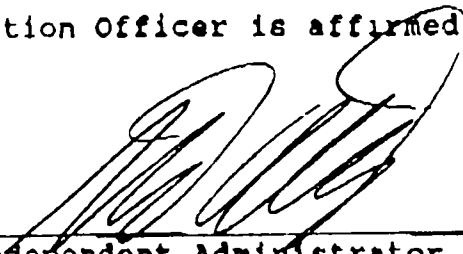
It is clear that Ms. Camenson is ready, willing and able to work within the jurisdiction of the Local. All that is needed is a referral from the Local. Mr. Warashina noted that the Local is beginning to make the transition from a "hiring hall" Local to a "referral list" Local. By utilizing the referral list, the Local will be able to call members on the list when work is available and will not require the members to check in with a hiring hall. I find this significant in that the Local itself acknowledges that due to the work slowdown, its members no longer need to keep in contact with the Local, rather the Local will contact them when work is available.

Given the fact that Ms. Camenson is working outside of the craft only on a "temporary" basis and has kept her dues current,

the IBT Constitution protects her good standing status.<sup>1</sup> See In Re: Stone, Decision Of The Independent Administrator On Request For Reconsideration, 91 - Elec. App. - 38 (SA) (February 1, 1991), wherein it was held that:

[I]t cannot be said that a member otherwise in good standing, is ineligible to run for the position of delegate because his unemployment, as a matter of economic survival, forces him to work outside of his craft on a temporary or part-time basis. To find, otherwise, would draw an unreasonable distinction between unemployed members in good standing who, while actively seeking employment in the craft are unable or do not need to find temporary employment and those who cannot afford to remain without any income during that interval. . . No Union interest is served by making such a distinction, nor is there any public policy which favors a requirement that would "compel a person to forego gainful employment and subsist on welfare benefits in order to preserve his eligibility." . Moreover, the distinction "would permit and even encourage Union and/or employer manipulation of the eligibility requirements for the purpose of barring particular candidates from office by blacklisting them."

Accordingly, the decision of the Election Officer is affirmed.



Independent Administrator  
Frederick B. Lacey  
By: Stuart Alderoty, Designee

Dated: April 1, 1991

<sup>1</sup> Ms. Camenson has not been issued a withdrawal card by Local 996. See IBT Constitution, Article XVIII, Section 6(a).