



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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April 3, 1991

VIA UPS OVERNIGHT

Rudy Hernandez
32276 Valiant Way
Union City, CA 94587

Albert Costa
Secretary-Treasurer
IBT Local Union 853
8055 Collins Drive
Oakland, CA 94621

Rome Aloise
V P & Business Agent
c/o Local 853
8055 Collins Drive
Oakland, CA 94621

Tom Lozier
c/o Warden West Corp
28701 Hall Road
Hayward, CA 94545

Re: Election Office Case No. P-671-LU853-CSF

Gentlemen

A pre-election protest was filed in accordance with Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") The protest was filed by Mr. Rudy Hernandez, a member of IBT Local 853 and a candidate in Local 853's delegate election. In his protest, Mr. Hernandez alleges that on March 12, 1991, Rome Aloise, Vice President of Teamsters Local 853, campaigned at the Warden West Corporation on Union time in violation of Article VIII of the *Rules*. Mr. Hernandez was an unsuccessful candidate for delegate in the Local 853 delegate election.¹

The investigation conducted by the Election Office disclosed the following facts: Rome Aloise went to the Warden West facility on Tuesday, March 11, to explain and answer questions about a mandatory overtime problem. While he was at the plant that day, Mr. Aloise also instructed members that some absentee ballot requests had been delayed, if they wanted to be sure that their vote was counted, they should vote in person at the polling site.

¹This protest was filed prior to the election and not deferred by the Election Officer.

Before entering the facility, Mr Aloise spoke with two management representatives of Warden West, Mr Lozier and Ms Harper, and states that they reminded him that he was not allowed to hand out any campaign literature or to campaign during the time that he was speaking with employees in work areas After he finished speaking with Mr Lozier and Ms Harper, Mr Aloise spoke to a number of Local 853 members about the mandatory overtime issue He also advised some of them of the fact that there was some reported delay in the mailing of absentee ballots and that if members wanted to insure that they had an opportunity to vote they should vote in person on election day

Mr Aloise's statements were corroborated by both Mary Paiva and Zette Pereira Both Ms Paiva and Ms Pereira are shop stewards at Warden West and were working at the facility on the date in question Both women submitted written statements pursuant to the investigation of this protest Both women state that they heard members ask Mr Aloise why they had not received absentee ballots Both stewards state that they did not see Mr Aloise hand out any campaign literature or badges

Mr Hernandez alleges that Mr Aloise campaigned during the time that he was at the Warden West facility Mr Hernandez did not actually see Mr Aloise campaigning at the facility on the date in question Instead, Mr Hernandez alleges in his protest that IBT member and Warden West employee, Verna Best, saw Mr Aloise passing out "Unity 91" slate patches² to employees as he walked through the plant that day

Mr Don Twohey, Election Office Regional Coordinator, interviewed Ms Best in reference to Mr Hernandez's allegations Verna Best denied that she saw Mr Aloise campaigning during the time he was at the Warden West plant that day Instead, she states that she heard Mr Aloise explaining to members that if they wanted to vote they should vote in person because their absentee ballot requests may not have been processed in a timely manner Mr Best states that she did not see Mr Aloise distributing any campaign literature to any members of Local 853 on the date in question Ms Best further states that she did not hear Mr Aloise make any campaign statements during the time he was at the plant

The investigation did not disclose any facts which would support Mr Hernandez's allegations that Mr Aloise campaigned on Union time in violation of Article VIII of the *Rules* Accordingly, the protest is DENIED

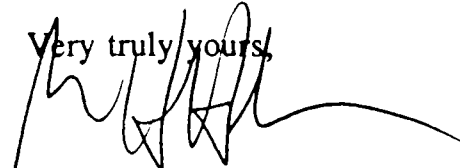
If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not 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

²Mr Aloise was a member of the "Unity 91" slate

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& 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
Donald E Twohey, Regional Coordinator