

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. R-10-19
	)	
HAWAII TEAMSTERS & ALLIED	)	ORDER NO. 645
WORKERS, LOCAL 996, INTER-	)	
NATIONAL BROTHERHOOD OF	)	ORDER
TEAMSTERS,	)	
	)	
Petitioner,	)	
	)	
and	)	
	)	
JOHN WAIHEE, Governor of the	)	
State of Hawaii, and FRANK F.	)	
FASI, Mayor of the City and	)	
County of Honolulu,	)	
	)	
Employer,	)	
	)	
and	)	
	)	
UNITED PUBLIC WORKERS, AFSCME,	)	
LOCAL 646, AFL-CIO,	)	
	)	
Exclusive	)	
Representative-	)	
Intervenor.	)	
_____	)	

ORDER

On September 25, 1987 the UNITED PUBLIC WORKERS, LOCAL 646, AFSCME, AFL-CIO [hereinafter referred to as UPW] filed with the Hawaii Labor Relations Board [hereinafter referred to as Board] a Motion to Have "U.P.W." on the Ballot. The UPW's motion is to have this Board amend its Findings of Fact, Conclusions of Law, and Direction of Election in Decision No. 254 in paragraph 7(b) of the Direction of Election so that the ballots will contain the letters "U.P.W." in front of the words "United Public Workers, Local 646, AFSCME, AFL-CIO" on the ballot. The

motion is based upon counsel's affidavit indicating that the UPW has been referred to as such during its tenure as the exclusive bargaining representative of Unit 10 and that such reference would avoid possible confusion in its identification on the ballot. Thereafter, on September 28, 1987, the UPW filed a Supplemental Affidavit of Herbert R. Takahashi, counsel for UPW, which indicated that the Board had erroneously designated the local of the UPW as Local 626 in paragraph 7(b) in Decision No. 254 rather than Local 646.

On September 29, 1987, the HAWAII TEAMSTERS AND ALLIED WORKERS, LOCAL 996, INTERNATIONAL BROTHERHOOD OF TEAMSTERS [hereinafter referred to as TEAMSTERS] filed a Motion to Have "Teamsters" on the Ballot. Counsel for TEAMSTERS indicates that for more than ten years, the Petitioner has been commonly referred to as and known by the name of "TEAMSTERS" and would like to have that word added to the ballot to avoid possible voter confusion. Counsel for TEAMSTERS indicates that the request is made in light of the UPW's similar motion and requests that its name appear in the following form:

TEAMSTERS Hawaii Teamsters and Allied  
Workers, Local 996, International Brotherhood  
of Teamsters.

On October 1, 1987, the UPW, by and through its counsel, filed a Withdrawal of Motion to Have "U.P.W." on the Ballot. Also, on October 1, 1987, the UPW filed a Memorandum in Opposition to Have "TEAMSTERS" on the Ballot.

At the hearing conducted on October 2, 1987, all parties were represented by counsel. Prior to the hearing as

scheduled, the UPW filed a Motion to Recuse Mack H. Hamada from Ruling on a Motion to Disqualify Himself and a Motion to Disqualify Mack H. Hamada.

At the hearing, the UPW indicated that it sought to have its Motion to Have "U.P.W." on the Ballot withdrawn. The Board permitted the UPW to withdraw its motion. Thereafter, the Board heard arguments put forth by the TEAMSTERS in support of its Motion to Have "TEAMSTERS" on the Ballot.

After consideration of the arguments in support of the TEAMSTERS' motion, a majority of the Board determined that the primary reason to insert the word "TEAMSTERS" on the ballot was to avoid voter confusion and to properly identify the HAWAII TEAMSTERS AND ALLIED WORKERS, LOCAL 996, INTERNATIONAL BROTHERHOOD OF TEAMSTERS as the TEAMSTERS. The majority of the Board believed that the members of Unit 10 were intelligent enough to recognize the parties to the election and would readily recognize the HAWAII TEAMSTERS AND ALLIED WORKERS, LOCAL 996, INTERNATIONAL BROTHERHOOD OF TEAMSTERS to be the Petitioner TEAMSTERS. Moreover, the Board suggested that if the voters were confused at the polling site, they could readily ask the Board Agent available to clarify the three choices on the ballot. Accordingly, the Board denied the TEAMSTERS' Motion to Have "TEAMSTERS" on the Ballot.

The UPW thereupon withdrew its Motion to Recuse Mack H. Hamada from Ruling on a Motion to Disqualify Himself and Motion to Disqualify Mack H. Hamada as the issues presented therein were moot. The withdrawal was granted by the Board.

HAWAII TEAMSTERS & ALLIED WORKERS, LOCAL 996, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, Petitioners; and JOHN WAIHEE, Governor of the State of Hawaii, and FRANK F. FASI, Mayor of the City and County of Honolulu, Employer; and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO, Exclusive Representative-Intervenor; CASE NO. R-10-19

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DATED: Honolulu, Hawaii, October 6, 1987.

HAWAII LABOR RELATIONS BOARD

  
MACK H. HAMADA, Chairperson

  
JAMES R. CARRAS, Board Member

HAWAII TEAMSTERS & ALLIED WORKERS, LOCAL 996, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, Petitioner; and JOHN WAIHEE, Governor of the State of Hawaii, and FRANK F. FASI, Mayor of the City and County of Honolulu, Employers; and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO, Exclusive Representative-Intervenor; CASE NO. R-10-19

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DISSENTING OPINION

I do not concur.

  
JAMES K. CLARK, Board Member

Copies sent to:

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