

**THIS REPORT IS INTENDED TO BE
CONFIDENTIAL TO THE NAMED CANDIDATES.**

The Election Committee has reviewed the challenges to the recent election results. Comments, findings and decision will be addressed to each of the eight challenges.

1. The essence of this challenge centers on the absence of a descriptive word. That is, the ballots did not include the job title “Distribution Courier;” rather, only “courier” was used.

None of the ballots had a job title next to a candidate’s name. The office was listed with just the names of candidates running for office.

Ballot instructions were mailed to eligible members. With those instructions was a list of candidates running for respective office as shown on a sample ballot which listed the job title next to the candidate’s name. The word “courier” was written next to three candidates on the sample ballot.

The Committee finds that no candidate’s position was belittled by the absence of the modifier “Distribution.” That the contractual title was not used does not establish that anyone with “Courier” next to his/her name received more or less votes than if “Distribution Courier” had been used. One winning candidate had the word “Courier” next to her name on the sample ballot and she received the most votes. There are no facts or statements that the outcome would have been any different had any job title been attached. The Committee received no protest from any affected candidate challenging the absence of “Distribution” prior to the date ballots were to be mailed. No candidate was disenfranchised.

This challenge is dismissed as it has no merit.

2. This challenge names candidates Corral, Giordano and Allen who were supposed to have campaigned on Kaiser Permanente campuses in violation of Kaiser's policies and procedures. As a result, those who did not campaign on company premises were unfairly penalized, thereby affecting the results of the election.

The three named candidates acknowledge campaigning on Kaiser locations. No complaint has been made to the Committee from any Kaiser facility naming the three specific individuals as having violated Kaiser's rules.

Kaiser rules regarding "Prohibited Partisan Political Activities" have been reviewed. Those rules prohibit Kaiser employees from using its premises or assets to support or oppose a candidate for public office. The purpose of such prohibition is to protect Kaiser's tax exempt status involving one running for public office, political parties or political action committees. The Committee determines that Kaiser rules do not apply here.

Each of the three named individuals have been interviewed by the Committee. Two of the named candidates denied campaigning on Kaiser premises while on duty as employees. The third candidate is not a Kaiser employee.

Each campaigned on Kaiser premises during their respective non-working hours or time. Any other candidate had the same opportunity.

The Committee determines this challenge to be without merit.

3. This challenge focuses on candidates Corral, Giordano and Allen campaigning on Kaiser campuses and communicating their message directly to employees who themselves were working.

The Committee has determined that the Kaiser rules/policies have no application in this situation.

The challenge does not supply the Committee with any information that employees with whom the candidates made contact were in any way disturbed or distracted in their job assignments. The candidates were aware that many employees sought out the candidates on their own. Contact was also made during employees' lunch or break time. The Committee has no complaint from Kaiser that any of the named candidates disrupted or hindered their operations based on this challenge.

The Committee determines that challenge to be without merit.

4. This challenge focuses on candidates Corral, Giordano and Allen posting their campaign materials on Kaiser campuses, in non-break areas, and a public walk area in violation of Kaiser policies.

As previously stated, the Kaiser rules do not apply in this campaign.

The candidates in question have been questioned. Giordano and Allen did not post any of their campaign literature or information in any of the areas mentioned or anywhere else. Campaign materials were handed out directly to people who would accept it. None of the candidates directed or authorized anyone to post their material. Candidate Corral posted her campaign material in the break room of two locations out of the public view, as well as handing materials to employees. Corral posted her material next to already posted campaign material from the three candidates who have filed this challenge.

The Committee finds that even with a posting by a candidate, the outcome of the election would not have affected the results given the margin of victory by Corral.

5. This challenge relates to three successful candidates who had mailed, reissued or replaced ballots to members who discarded their first ballots.

The Committee interviewed the three candidates in question. Some eligible voting members complained to these candidates about not having received a ballot. Their name was taken and turned over to the Election Committee. The Committee then voided their first ballot, and issued a second ballot. If no one complained about not receiving a ballot, nothing was done.

All candidates and eligible voting members had the opportunity contact the Election Committee regarding if a ballot had not been received in the initial mailing.

Sixty-four (64) duplicate ballots were issued of which twenty-one (21) said they had not received a ballot. None of the candidates who turned in their names were told now these people would vote. There is no indication or evidence of how the twenty-one individuals voted. The number is insufficient to affect the outcome of the election.

The Committee finds this challenge to be without merit.

6. This challenge focuses on two candidates who are charged with campaigning while working for their respective employers. The Committee understands this means that the candidate campaigned while receiving wages and being “on the clock.”

The Committee has interviewed the named candidates, Marianne Giordano and Walter Allen, Jr. Each person asserts that their respective campaigning was done while on their own time, either during a vacation day(s) or other personal-type day. They were not performing work for their employer.

Having “information” which leads the Challengers “to believe” the forementioned individuals campaigned while working for their employer is not sufficient to make a finding of any impropriety. The “information” was not provided. This challenge is found to be without merit.

7. This challenge encompasses a request for information and speculation. That is, evidence is requested from the Committee that “no Union funds or property were utilized in the manufacturing of any Candidate’s campaign literature, specifically the joint flyers made in support of the ‘Winning Team’.” The speculation portion is that if some candidates received assistance from the Union, then there would be an impropriety.

The Committee has not been presented with a valid challenge. Challengers have not provided information that Union funds were used in the manufacturing of campaign literature.

The Committee determines this challenge has no merit.

8. This challenge focuses on “some Members” not receiving campaign literature from one slate while receiving campaign literature from a rival slate. Additionally, some members complained about not receiving an official ballot.

Eligible members who could vote, but claimed they did not receive a ballot, made their concerns known and they were mailed a second ballot which was marked duplicate to avoid any discrepancies.

Prior to mailing campaign literature for one slate (Team: New Direction) , some thirteen (13) envelopes were found to be in a state where the post office would not have accepted them for mailing. Address labels were printed and placed on extra sealed envelopes, containing campaign material provided by the candidates.

All envelopes with campaign literature and ballots were properly transported to the United States Post Office for mailing. Some of the individuals who made this challenge were at the Post Office and were present when the mailing envelopes were transferred into the possession of the United States Post Office.

The Election Committee determines that there was no discrepancy in mailing addresses, and all concerns were rectified prior to any mailings. Moreover, the Committee has not been provided any specific number of persons who did not receive literature. “Some” is insufficient to determine if the election results would have changed.

If there is any fault, it lies with the United States Post Office. The results of the election

exhibit a vast chasm between the election winners and challengers to establish that the result would not have changed the outcome.

The Committee determines this challenge to be without merit.

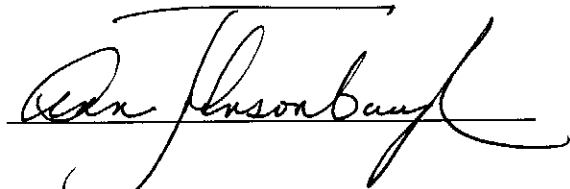
Very truly yours,

Election Committee, OPEIU Local 30

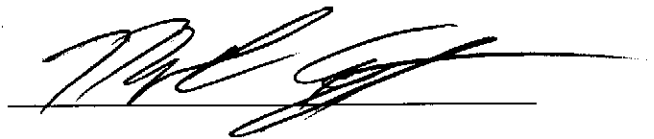
Dated: 9-15-08

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