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February 27, 1991

**VIA UPS OVERNIGHT**

Michael Caudle  
2919 Centre Ct  
Indianapolis, Indiana 46203

Carl E Trader  
c/o John Neal Slate  
1233 Shelby Street  
Indianapolis, Indiana 46203

John N Neal  
President  
IBT Local Union 135  
1233 Shelby Street  
Indianapolis, Indiana 46203

**Re: Election Office Case No. P-496-LU135-SCE**

Gentlemen

A pre-election protest was filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") Complainant, Michael Caudle, alleges that Carl E Trader, or persons acting at his behest, tore down campaign literature supporting a slate of delegate candidates opposed by Mr Trader Complainant Mr Caudle also protests that Mr Trader instigated an effort to have him removed as steward for the Local Union because of his posting this campaign literature The Election Officer conducted an investigation which disclosed the following

Complainant Mr Caudle is steward for Local Union 135 at A P S , Inc Carl E Trader is a Business Agent for Local 135 and acts as the representative for IBT members employed by A P S , Inc Mr Trader is also a candidate for delegate to the 1991 IBT International Convention on the John Neal Slate

On Wednesday, February 6, 1991, complainant Mr Caudle posted Ron Carey campaign literature, literature supportive of a slate of delegates supporting Ron Carey for President of the IBT, which slate is running against the John Neal slate Mr Caudle stated on that same day, the literature was torn down Mr Caudle replaced it and it has remained posted since then

Mr Caudle supported his allegations against Mr Trader with two points First, he states that several months before this particular incident, he had a conversation with

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Mr Trader during which Mr Trader directly told him to tear down any Ron Carey literature from the general purpose bulletin board if he saw it posted. Further, on the same day that he posted the literature, and before it was torn down, Mr Trader approached Mr Caudle and asked him if he knew who put the Ron Carey literature on the bulletin board. Mr Caudle told Mr Trader that he had put it up. Mr Trader acknowledges that on February 6, 1991 he had questioned Mr Caudle about the Ron Carey literature and admits that Mr Caudle told him that he had put it up. Mr Trader told Mr Caudle that he should understand what he was doing.

The investigation of the Regional Coordinator, Peggy A Hillman, developed further testimony from another A P S employee. This employee stated that he saw Laura Bottom, Carl Trader's step-daughter taking down the posted literature. Ms Bottom told this employee that Mr Trader had told her to tear down this literature and any other similar literature, i.e. literature supportive of Ron Carey and/or delegate candidates supporting him, from the bulletin board. The same witness stated that he noticed that Ms Bottom was carrying literature supporting the John Neal slate that she was going to post. Laura Bottom is Carl Trader's step-daughter and lives with Mr Trader and her mother, who is also employed at A P S.

The Regional Coordinator's investigation with respect to the circulation of petitions to remove Michael Caudle as a Local Union 135 steward confirms that it was initiated on February 8, 1991, two days after Carl Trader's conversation with Mr Caudle regarding Caudle's posting of the Ron Carey literature. The investigation further establishes that Ms Bottom initiated the petition and was involved in asking employees to sign the petition.

These facts were admitted by Ms Bottom to the Regional Coordinator. She stated that she had no specific reason for instigating the petition, other than her general statement that Mr Caudle was not doing his job well. Carl Trader denied any knowledge as to Ms Bottom's involvement in initiating and circulating the petition. He attributed the reason for the initiation of the petition to dissatisfaction on the part of part-time employees over Mr Caudle's handling of a situation relating to A P S's use of temporaries instead of part-time employees. Mr Trader stated that he learned of the petition from Lisa Owens, a part-time employee who called and told him that the petition was being circulated.

Further information as to Ms Bottom's involvement in the circulation of the petition was adduced from two other IBT members, employed by A P S. One member told the Election Officer's representative that Ms Bottom asked him to sign the petition to remove Mr Caudle "because of the stuff that Michael was putting on the bulletin board". The second member also told the Investigator that Ms Bottom asked him to sign the Caudle petition at the same time that she told him that Carl Trader had told her to tear down Ron Carey literature on the bulletin board. Ms Bottom herself denies that there is any connection between her decision to circulate the petition and Mr Caudle's posting of the Ron Carey literature. She stated that Mr Trader knew that she started the petition.

It is the basic purpose of the *Rules* to safeguard the rights of all candidates to freely and fully exercise their political rights to campaign. Article VIII, Section 10 (d) of the *Rules* expressly prohibits any restriction upon candidates' or members' pre-existing rights to solicit support, distribute leaflets or literature on employer or Union premises. There is no question in this case that the John Neal Slate and the Ron Carey Slate had pre-existing rights to utilize the general purpose A P S bulletin board to post campaign literature. There is also no question that any attempt on the part of a candidate or member to remove posted campaign material from a bulletin board is a clear violation of the *Rules*. Such tactics should offend anyone's sense of fair play, and are counter-productive. The disputes generated between members by this conduct may prompt employers to attempt to restrict access to bulletin boards and work-areas for the distribution of campaign literature to all candidates in order to avoid the fray.

In this case, the investigation establishes that there is conflict in testimony between the complainant and other members on one hand, and Carl Trader and his step-daughter on the other, as to responsibility for the removal of the campaign literature and the reasons for initiating the petition to remove Mr Caudle as a steward. With regard to the removal of Ron Carey literature from the bulletin board, it was clearly improperly removed. It was, however, reposted shortly after its removal by Mr Caudle. The literature has remained posted since February 7, 1991. Any harm to the Ron Carey Slate's campaign was negligible. Nevertheless, the allegations of this conduct alleged here are serious, and any repetition of the circumstances presented here in the future will be very closely scrutinized.

With this cautionary note, a violation of the *Rules* will not be found on the evidence adduced to this point. However, in order to ensure that all members are fully aware of their rights and obligations under the *Rules* and to prevent any recurrence of the February 7, 1991 conduct, the Election Officer directs that the attached notice be posted by Local 135 on all Union bulletin boards located within the A B F company.

The Election Officer also views any connection between the circulation of the petition to remove Mr Caudle as Union steward and his activities in posting Ron Carey literature on the bulletin board as a most serious offense. Reprisals for engaging in campaign activity protected by the *Rules* strike at the heart of members's rights under the *Rules*. Sanctions will be applied where violations are found. In the instant case, the investigation to date discloses animus on the part of Mr Trader, as well as a close proximity in time between Mr Caudle's protected activity and the adverse action in circulating the petition. There is also evidence showing a connection between Ms Bottom and Carl Trader that suggests that, despite her denials, that she may be acting at his behest. At this point in time, however, Mr Caudle is still a Union steward and the petitioning campaign is still inchoate.

Accordingly, this aspect of complainant's protest is not yet ripe for decision. If Mr Caudle is removed as a steward, he may file a new protest. It is noted that the evidence adduced to date strongly suggests that his removal would be violative of the

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*Rules* requiring the Election Officer not only to order his reinstatement but requiring further remedies and sanctions

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

MHH/mca

cc Mr Frederick B Lacey, Independent Administrator  
Peggy A Hillman, Regional Coordinator