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Michael H. Holland
Election Officer

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March 25, 1991

VIA UPS OVERNIGHT

Chris Schweitzer
10843 Lurline Avenue
Chatsworth, CA 91311

Charles D. Roberts
Secretary-Treasurer
IBT Local Union 896
1616 West Ninth Street
Room 414
Los Angeles, California 90015

Roosevelt Vallery
c/o The Coca-Cola Company
11536 Patton Road
Downey, California 90241

Re: Election Office Case No P-672-LU896-CLA

Gentlepersons

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*") The complainant is Chris Schweitzer, who brought the protest on behalf of herself, Ed Russell, Jr and Roger Smith, independent candidates for delegate from Local 896 to the 1991 IBT International Convention In her protest, she alleges that Roosevelt Vallery, the Chief Shop Steward for Local Union 896 at the Coca-Cola bottling plant in Downey, California, made threatening, harassing and intimidating statements to her and fellow members of the Local Union while they were distributing campaign literature for Ron Carey at this Coca-Cola plant

(a) Investigation of the facts

An investigation was conducted by the Adjunct Regional Coordinator In addition to Ms Schweitzer's statements, signed written statements were obtained from Russell and Vallery

Sometime between 10 00 and 11 00 P M on March 14, 1991, Schweitzer, Russell, and several other individuals were distributing literature to employees entering the plant parking lot The literature sought support for Schweitzer, Russell and Roger Smith, all identified as Budweiser employees running for delegate and as supporters of Ron Carey

According to Vallery, he was proceeding in his automobile in the driveway up to the parking lot gate when he saw a heavy set man blocking his vehicle from entering the lot. Vallery said to him that he is not to block people coming into the plant. Vallery states that someone with the heavy set man handed him campaign literature through the car window.

According to Russell, the campaigners were standing to the side and not blocking vehicles. His version is that Vallery's car just missed Ms. Schweitzer and Vallery yelled at them "Quit blocking the fucking driveway."

Vallery and Russell agree that Vallery then parked his car and returned to the driveway. According to Vallery, upon his return on foot from the parking lot, he told the five individuals only that they were not supposed to block traffic. He denies threatening or attempting to intimidate anyone.

According to Schweitzer, Vallery approached her in a menacing manner and accused her of "being a trouble maker", "having a big mouth at the meetings" and stated "If you mess with my people I'll go in and get my boys and we'll smash some heads." According to Schweitzer, her group had done nothing to cause this statement other than to hand literature to the membership.

Russell's version was that, while returning to the gate, Vallery was pointing his finger and yelling at Schweitzer "I know who you are. You're that trouble-making bitch from Bud. Well, you're fired, you are not assistant steward at Bud no more, just wait." Russell contends that Vallery then "got right into Chris" and stated "If I find you have hassled any of my people, we'll be back out to bust some heads. In fact I'm going to make some calls now, and we'll get you out of here." According to Russell, the group then left under the threat of violence.

(b) Conclusions

The right of IBT members to campaign cannot be interfered with by threats, intimidation or coercion. See Advisory Regarding Political Rights. Should such improper conduct be proven, the Election Officer will take decisive and appropriate action to protect those rights.

The question then is whether improper conduct has been established in this case. Vallery's version of the facts is significantly different from that of Schweitzer and Russell. While there are certain deviations between the statements of Schweitzer and Russell, the statements are consistent with respect to both intimidation and threats by Vallery. Both agree that Vallery threatened reprisals against them and particularly against Schweitzer.

The accounts of Schweitzer and Russell, obtained independently, lead the Election Officer to conclude that they must be credited. Further, Vallery has an obvious interest in minimizing the content and extent of his activities on March 14, 1991. Thus, I credit the version of the event offered by Schweitzer and Russell, and find that Vallery's

Chris Schweitzer
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conduct constituted harassment of the complainants while they were engaged in activity protected under the *Rules*. As indicated above, the right to engage in political campaign activities, includes the right to be free of threats or intimidation made by other members of the IBT and particularly Local Union officers, business agents and stewards. Accordingly, the protest is **GRANTED**

As a remedy, the Election Officer orders that Vallery sign, duplicate and post the attached notice on all Local Union bulletin boards at the Coca Cola bottling plant in Downey, California. The notice must be posted within twenty-four hours of this decision. Within three days of his receipt of this decision, Vallery shall submit an affidavit to the Election Officer demonstrating compliance.¹

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/ads

cc Frederick B. Lacey, Independent Administrator
Geraldine L. Leshin, Regional Coordinator

¹During the investigation, the Adjunct Regional Coordinator inspected the bulletin boards at the Downey plant. He observed that there were no posted copies of documents that the Union is required to post on the union bulletin boards under the *Rules*. I therefore direct Local Union 896 and Chief Steward Roosevelt Vallery to forthwith post on the Union bulletin boards, and to maintain through the entire delegate election period, the Local Union Plan Summary and the list of nominated candidates for delegate and alternate delegate.

NOTICE TO ALL LOCAL 896 MEMBERS

The Election Officer has determined that I have violated the *Rules for the IBT International Union Delegate and Officer Election* by interfering with members' rights to engage in campaigning and political activities related to the delegate and International Officer elections

All Local 896 members have the right to participate in Local 896's delegate and alternate delegate elections. This includes the right to openly support or oppose any delegate or alternate delegate candidate. This also includes the right to run for office, to aid or campaign on behalf of any delegate or alternate delegate candidate or slate of candidates and to personally contribute to the campaign.

All Local 896 members also have the right to participate in the IBT International Officer campaigns. This includes the right to openly support or oppose any candidates for International Office. This also includes the right to run for International office, to aid or campaign on behalf of any candidate or slate of candidates, and to personally contribute to a candidate's campaign.

Neither I nor any other officer, business agent, steward or other agent or employee of Local 896 will interfere with such rights.

Roosevelt Vallery
Chief Steward

This is an official notice and must remain posted for thirty consecutive days from the day of the posting, and must not be altered, defaced, or covered by any other material

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MHIT
BJH

IN RE: :
CHRISTINE SCHWEITZER, :
and :
ROOSEVELT VALLERY, :
IBT LOCAL UNION NO. 896, :

91 - Elec. App. - 118 (SA)
DECISION OF THE
INDEPENDENT ADMINISTRATOR

LESHIN

This matter arises out of an appeal from a March 25, 1991, decision of the Election Officer in Case No. P-672-LU896-CLA. A hearing was held before me on April 1, 1991, at which the following persons were heard: John J. Sullivan, on behalf of the Election Officer; Dan Clifton, an attorney on behalf of the complainant and her fellow independent candidates; and the complainant herself, Christine Schweitzer. In addition, the following persons audited the hearing; Geraldine Leshin, the Regional Coordinator; William Demers, an Adjunct Regional Coordinator; and Robert Vogel, an attorney for the Local.

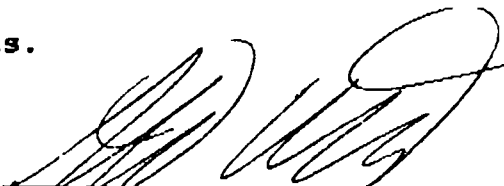
Upon finding a violation of the Rules For The IBT International Union Delegate And Officer Election (the "Election Rules"), the Election Officer directed that Roosevelt Vallery, the Chief Shop Steward at Local 896, post a notice affirming the rights of IBT members to engage in campaign activity without fear of intimidation or reprisal. Neither the Local nor Mr. Vallery appealed that decision. Instead, Ms. Schweitzer appealed the decision expressing her dissatisfaction with the scope of the Election Officer's remedy. In the first instance, Ms. Schweitzer

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indicated that given the number of Spanish-speaking members of the Local, the notice should also be posted in Spanish. The Election Officer concurs with this suggestion and has indicated that he will prepare a Spanish translation of the notice and forward it to Mr. Vallery for him to sign and post.

In addition, Ms. Schweitzer indicated that the violation of the Election Rules (combined with past alleged violations) affected the outcome of Local 896's election for delegate and alternate delegate. Ms. Schweitzer and her fellow independent candidates in fact have filed a post-election protest with the Election Officer to address this contention. The Election Officer is currently reviewing that post-election protest. Pending a decision from the Election Officer there is nothing further for the Independent Administrator to decide.

Accordingly, the decision of the Election Officer, as voluntarily modified to incorporate the posting of the notice in Spanish, is affirmed in all respects.



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

Dated: April 3, 1991