

IN RE:

RON WILLIAMS

01 - Elec. App. – 048(KC)

This matter is an appeal from the Election Administrator’s (the “EA”) decision 2001 EAD 201, issued February 27, 2001. The hearing was requested by Ed Ard, a member of Teamsters Local Union 391 in Colfax, North Carolina.

A hearing was held before me on March 14, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. for the Election Administrator’s Office; Mr. Ard; Mr. Ron Williams, Sr., the protestor and member of Local Union 391; and Gary Sloop, a member of Local Union 391<sup>1</sup>. An additional submission was received from Mr. Ard on March 13, 2001.

The protest filed by Mr. Williams alleged that Mr. Ard used threatening language towards his 16-year-old son Ron Williams, Jr., while Mr. Williams Jr. was assisting his father in handing out campaign leaflets at the Miller Brewing Plant in Eden, North Carolina (“Miller”). Three witnesses confirmed a verbal confrontation between Mr. Williams Jr. and Mr. Ard. The EA found that the conduct of Mr. Ard violated Article VII, Section 11(a) of the Rules, that grant all union members the right to participate in campaign activities, and Article VII, Section 11 (g), which prohibits retaliation or threat of retaliation for exercising any right guaranteed by the

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<sup>1</sup> Mr. Sloop is the head of Mr. Williams slate. Although not a witness to the incident, Mr. Sloop submitted a statement concerning his dissatisfaction with the remedy imposed by the EA in this matter. He argues that the remedy prescribed was simply a posting of the direct language of the Rules. Mr. Ard argued that the Notice should have made a more direct link between Mr. Ard’s conduct and the Rules violation found by the EA.

Rules. As a remedy, the EA ordered that Mr. Ard acknowledge by signature a Notice to be posted at Miller, as well as send such Notice to Mr. Williams. The Notice informs Miller employees of their right to participate and campaign in the delegate elections without threat of retaliation, intimidation or harassment.

Mr. Ard appealed this decision, claiming Mr. Williams' depiction of the incident was not supported by the facts. At the hearing, Mr. Ard explained that he spoke heatedly when Mr. Williams Jr. stepped out into the middle of the road right in front of Mr. Ard's truck. Mr. Ard insists that his comments had nothing whatever to do with Mr. Williams' political activity.

The factual findings of the EA are to be given substantial deference. Accordingly, I affirm the EA's decision in granting this protest, and the remedy imposed.

s/Kenneth Conboy  
Kenneth Conboy  
Election Appeals Master

Dated: March 20, 2001