

**THE PUBLIC REVIEW BOARD
INTERNATIONAL UNION, UAW**

APPEAL OF:

MICHAEL W. SLIMP,

Appellant

-vs-

CASE NO. 1743

LOCAL UNION 3520, UAW
(Statesville, North Carolina),
REGION 8
(THE UNITED AUTOMOBILE, AEROSPACE
AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA),

Appellee.

DECISION

(Issued April 12, 2016)

PANEL SITTING: Prof. James J. Brudney, Chairperson,
Prof. Janice R. Bellace, Prof. Harry C.
Katz, and Prof. Maria L. Ontiveros.

Michael Slimp argues that improprieties occurred during general elections conducted at Local Union 3520 that could have affected the outcome of the race for CTMP Chairperson.

FACTS

Michael Slimp was a candidate for chairperson of the Cleveland Truck Manufacturing Plant (CTMP) unit of UAW Local Union 3520 during general elections conducted on May 19, 2015.¹ Local 3520 is an amalgamated local in representing employees of Freightliner in Cleveland, North Carolina. The race for chairperson of the CTMP unit produced the following results:

¹ Record, p. 18.

CTMP Shop Chairperson

Craig (Yank) Nicholson	226	
Michael W. Slimp	280	RUNOFF
Steve Barber	353	RUNOFF ²

A runoff election conducted on May 26, 2015, produced the following results:

CTMP Shop Chairperson

Steve Barber	477	Winner
Michael W. Slimp	344 ³	

Michael Slimp submitted a protest to the election at the local union membership meeting on June 13, 2015.⁴ In his protest, Slimp questioned the election committee's rationale for declaring certain district representatives ineligible to run for re-election. He pointed out that the bylaws had not changed since these people were originally elected. His protest states:

"In the May 2015 monthly meeting I asked the question how the local could deny (Michael Honeycutt, Angie Robison, Britney Best and Jovan Miller) all four stated here were elected in December 2014 as District reps for the local, they are now being told that employees with less than one year seniority could not run for office. The bylaws are the same; the language never changed from December 2014 to May 2015. Why were they denied the opportunity to run for office?"⁵

In addition, Slimp complained that he and two other members were disadvantaged by a redistricting completed two weeks prior to the election. His protest states:

"District 101 and 201 was changed two weeks before elections moving approximately six team leaders and five robot techs per shift. This violated (Gene Ward, Mickey O'Neil, as well as myself) on second shift for running for office by being placed in a district we never worked in."⁶

Slimp asserted that the election committee never met with the candidates prior to the election to explain the rules for the election. He maintained that no information was provided about the candidates' right to view the membership lists, to have a challenger

² Record, p. 24.

³ Record, p. 25.

⁴ Record, p. 31.

⁵ Record, p. 46.

⁶ Record, p. 46.

present at the polls, or to determine the placement of names on the ballot. In addition, Slimp charged that his opponent was permitted to campaign while being paid by the company. Slimp's appeal states:

"Federal law provides that candidates must be treated equally regarding the opportunity to campaign. Mr. Barber, current Shop Chair, had access to candidates' personal files and used that information on his campaign lecture. Mr. Barber stood at the doors to election booths on 5/19/15, approximately five feet from voting tables, wearing his shop chair shirt and campaigning. Witnesses to this are Felicia, main plant, Mark, and Reggie from Maintenance Department. I can provide statements."⁷

Slimp also charged that the company violated its own policy by allowing his opponent to distribute flyers that slandered him and called him names. Slimp stated that a number of members were given two ballots in the shop chairperson's race.⁸

The record contains time sheets for Jovan Miller and Steve Barber showing the hours for which they received compensation from the company.⁹ Felicia Henny submitted the following statement:

"I witnessed Steve Barber (Shop Chairman) outside the Kaizen Room on the day of the original voting, talking to employees as they entered to vote on third shift ending of second shift. The union rep on third also devoted all their time to passing out flyers for Mr. Barber and campaigning for him, instead of working at all. I also spoke with a maintenance employee that received two shop chairman ballots to vote on."¹⁰

Several other members submitted statements about Chairperson Steven Barber's presence in the cafeteria during the election.¹¹ Phil Campbell submitted a statement indicating that he received two ballots for the shop chairperson's position.¹² Mickey O'Neil submitted a statement asserting that he would have run for office in his district, but the redistricting prior to the election eliminated his support. O'Neil claimed that he was denied the right to vote because of confusion about his district.¹³

Minutes of the June 13, 2015 membership meeting report the following actions on Slimp's protest:

⁷ Record, p. 46.

⁸ Record, p. 46.

⁹ Record, pp. 26-27, 28-29.

¹⁰ Record, p. 39.

¹¹ Record, pp. 34, 35, 36, 38, 44, and 45.

¹² Record, p. 33.

¹³ Record, p. 37.

“Mike Slimp read his appeal for the general election. Pres. Hill asked Brother Slimp if he was appealing the whole election or the Shop Chair position. Brother Slimp stated he was appealing the whole election. Pres. Hill asked Maria Turner if she wanted to answer the allegations. Sister Turner stated that no one requested a mailing list, and that all of the campaign flyers for the election were removed by the election committee from the cafeteria (within 100 feet of the polling area) on the day of the election, and that she never witnessed Brother Barber campaigning in the cafeteria. Pres. Hill then took a vote on the appeal. The appeal was denied.”¹⁴

Slimp appealed the membership’s denial of his protest to the International Executive Board (IEB) in a letter postmarked July 6, 2015.¹⁵ Slimp’s appeal to the IEB raised the issue about the four district representatives who were elected in December 2014 and then declared ineligible to run for re-election in 2015 because they lacked a year’s membership in good standing. In addition, Slimp complained that there was no system to determine which district people were assigned to and as a result many people voted in the wrong area.¹⁶

In support of his appeal of shop chairperson’s race, Slimp stated that he supplied written statements from members and time sheets showing that the incumbent candidate for chairperson, Steve Barber, was allowed to campaign during all three lunch breaks in the cafeteria while he was being paid by the company. In addition, Slimp reported that the third shift representative, Jovan Miller, was allowed to start his shift early and leave late in order to campaign for Steve Barber while he was being paid by the company. Slimp’s appeal states:

“...I supplied written statements and time sheets that candidate Steve Barber, current Shop Chair for Local 3520, was allowed to campaign on company paid time on all three lunches in the cafeteria. Election chair Maria Turner claimed that he was on lunch. Employees are given a 30-minute lunch in our CBA. Employees must walk through the cafeteria to reach the Kaizen room to vote. Past practice of this local’s elections, candidates were not allowed to campaign inside the cafeteria but were allowed to stand outside and campaign before employees entered the voting area. I supplied written statements and time sheets that showed the 3rd shift UAW union rep (part-time rep) Jovan Miller spent all his time campaigning for the current Shop Chair, this employee works an eight hour shift with a company paid lunch. During the week before the voting till the runoff date, a three-week period, his overtime alone was over 81

¹⁴ Record, p. 31.

¹⁵ Record, pp. 48-49.

¹⁶ Record, p. 48.

hours. He was allowed to start his shift early and stay late to campaign for Steve Barber. (Violation of Federal Law, LMRDA 401(g) section).¹⁷

Slimp complained that he stayed after his shift to distribute his flyers, but later discovered that they had been removed by the election committee chairperson.

Slimp argued that candidate Steve Barber must have had access to the company's personnel records to prepare his campaign literature. He wrote:

"Mr. Barber stated on his campaign flyers that I applied to the company for a management job. This is true. The question is, I applied when I was laid off from this facility. I applied on line and never told anyone. How did he know this? Looking at my personnel file or someone told him from the personnel office, because of his position as the Shop Chair. This was confidential information in my personnel files that he used against me."¹⁸

In addition, Slimp argued that Barber's campaign literature violated the company's policy against harassment. He wrote:

"...Sally Menius stated she witnessed candidate Steve Barber, our current Shop Chair's wife, Melissa Barber, Shop Chair for clerical office workers, putting out hate flyers with false statements calling me a liar, a union member that could not be trusted, I could not be trusted to watch someone's dog. This created a hostile work environment for me and has allowed other employees to discriminate against me with slander and jokes in the plant and internet."¹⁹

Slimp argued that Election Committee Chairperson Turner showed his appeal to employees who were not on the election committee in order to build support for a motion to reject the appeal at the membership meeting. Slimp concluded by saying the violations he described could have affected the outcome of the race for shop chairperson. His appeal states:

"I believe if given the same opportunities to campaign, knowledge of the right to inspect the membership list, have my campaign literature mailed to the membership's house, so others would not be able to pick them up, time paid by the company to be at all the lunch times in the plant, and the use of a union rep to pass out my literature and campaign for me on company paid time, an observer to be present on my behalf during the voting and counting, had a meeting and given the rights and wrongs of this

¹⁷ Record, p. 48.

¹⁸ Record, p. 78.

¹⁹ Record, p. 78.

election, the 16 percent between the Shop Chair winner and myself would have had a different outcome.”²⁰

Election Committee Chairperson Maria Turner responded to Slimp’s appeal in a letter dated July 22, 2015. Turner stated that she posted a message with the date, place, and time of a meeting to determine the placement of names on the ballot and to answer candidates’ questions and concerns. Turner reported that Slimp did not attend this meeting. Turner stated that the placement of names on the ballot was announced at the nomination meeting.²¹

Turner stated that she saw Steve Barber sitting in the cafeteria eating, but she did not witness him campaigning. Turner maintained that none of the election committee members witnessed Jovan Miller campaigning for Steve Barber. She reported that the election committee removed all of the campaign flyers from the cafeteria on the day of the election in accordance with the local union’s established practice. Turner stated that employees do not have identification cards showing their assigned districts, but that districts are posted throughout the plant and there are 12 union posting boards. Turner concluded that some of Slimp’s allegations about campaign activities might be true, but that none of them were brought to the attention of the election committee at a time when they could have been addressed.²²

Local Union Financial Secretary Shayne Brown also responded to Slimp’s protest. Brown stated that any candidate could have requested a membership mailing list, but that Michael Slimp never requested such information prior to the May election. According to Brown, Russell Bennett was the only candidate who requested a mailing list.²³ Recording Secretary Tracy Nail submitted a letter confirming Turner’s report that an informational meeting for candidates was conducted on May 11, 2015. Nail reported that the placement of names on the ballot was determined at that meeting. In addition, the election committee explained rules for the election. Nail’s letter states:

“The election chair sent out a phone tree message to all the candidates on May 7th stating that the ballot positioning and election rules would be established in a meeting on May 11, 2015, in the cafeteria in the plant. I know this for a fact, as I was also a candidate. Having been a candidate before, I knew the rules to the election and wasn’t concerned where my name was on the ballot. I was also on vacation that week, so I did not attend the meeting.”²⁴

²⁰ Record, p. 78.

²¹ Record, p. 54.

²² Record, p. 54.

²³ Record, p. 55.

²⁴ Record, p. 57.

Recording Secretary Nail maintained that there was nothing unusual about Jovan Miller's overtime schedule prior to the election, because employees were generally working many hours of overtime. Her letter states:

"As to the allegation against Jovan Miller, Brother Miller was not observed by any member of the election committee campaigning for anyone during working hours. At our current build rate, many employees are working many hours of overtime. It would be the company's responsibility to police what employees are doing during working hours."²⁵

Nail stated that the plant's redistricting was done on April 1 in accordance with the contract and she referred to a letter from Chairperson Barber describing the basis for the redistricting. Chairperson Barber provided the following explanation of the redistricting prior to the election:

"The posting to redistrict the robotic and team leaders in the paint department from District 1 and District 2 were initially posted on all Union boards on 4/18/15. The second page which contained the new districts was removed and replaced on 4/26/15 due to the 3rd shift district being omitted on the original posting on 4/18/15.

The robotic techs and team leaders were redistricted from District 1 and District 2 to District 5 based on the fact that they needed to be in one district under one shop committeeperson not in multiple districts under multiple shop committeepersons. The robotic techs and team leaders in paint were redistricted to District 5 because District 5 already had the basement in the paint department and as a whole had the least overall headcount of any existing district at that time."²⁶

Acting on behalf of International President Dennis Williams, Administrative Assistant Mark Strolle conducted a hearing on September 16, 2015 to investigate Slimp's appeal. Strolle prepared a report to the IEB on Slimp's appeal based on documents in the record and testimony given at the hearing.

Administrative Assistant Strolle reported that Local Union President Corey Hill explained the situation that led to the four incumbent district representatives being declared ineligible to run for re-election. Hill explained that the four representatives were new hires when they assumed representational duties in December 2014, so they still did not have one year in good standing when the election took place in May 2015. Strolle's report states:

²⁵ Record, p. 57.

²⁶ Record, p. 56.

“...During the hearing, President Hill explained the situation that occurred to allow members who had less than one year in continuous good standing to run for committeeperson. The local union had resignations and no one was nominated to fill the positions, thus leaving the membership of those districts without representation. After consulting with Region 8, the issue was discussed at a membership meeting and since it was three months away from the election, it was agreed to allow new hires to serve in those positions.”²⁷

In response to Slimp’s complaints about the confusion caused by the redistricting, Administrative Assistant Strolle referred to Chairperson Barber’s letter explaining the reason for the redistricting. Strolle reported Barber’s testimony that the redistricting was discussed at the May general membership meeting. Barber stated that the redistricting did not violate the collective bargaining agreement. Strolle reported the following response from the local union to Slimp’s claim that the redistricting caused confusion:

“The local union took the following positions on the issue of knowing what district members were supposed to vote in for district committeeperson. The union representation structure was posted on all Union boards on April 18, 2015, one month prior to the election. The local union stated that they had trouble getting accurate lists of where members worked from the company. The lists are inaccurate because there is a lot of movement of members within the plant. Thus, they have challenge ballots available when it is not clear what district a member is in.”²⁸

Strolle reported Election Committee Chairperson Turner’s explanation that she mentioned Slimp’s appeal to Jovan Miller, because the appeal included his time sheets. Strolle further reported that the election committee conducted a meeting with the candidates on May 11, 2015, but only one person attended the meeting. In addition, Strolle referred to Financial Secretary Brown’s report that only one candidate requested a mailing list of members prior to the election. In response to Slimp’s complaint that several members received two ballots for CTMP Shop Chairperson, Strolle referred to Chairperson Turner’s letter responding to this complaint. Turner wrote:

“There was an issue with the ballots sticking together and some people did get 2 ballots and all gave the ballots back to me personally and I told the election committee to stop and make sure the ballots weren’t sticking together. When the count was done, it all came out right. Kim McDaniels

²⁷ Record, pp. 65-66.

²⁸ Record, p. 66.

came and talked to me and never mentioned that she had received two ballots.”²⁹

Stolle addressed Slimp’s argument that Barber’s campaign flyers violated the company’s anti-harassment policy. He noted that any complaints about company policy should have been addressed to the company. He reported that participants in the hearing acknowledged that there were a number of “ugly” flyers circulating in the plant in connection with the shop chairperson election. He reported that the local union purged its Facebook page of comments about the election due to the vitriolic nature of the discourse posted on that site. Stolle remarked that the content of such flyers is not grounds to overturn an election. His report states:

“This was a contentious election and it is not unusual during an election of this sort for the candidates to endure personal attacks. The fact that there were unsigned sheets circulated amongst the membership should not be a surprise to the candidates and will not be the basis for overturning the result of an election.”³⁰

Stolle observed that the PRB has consistently ruled that local union elections are presumed to be valid and that the results will not be disturbed unless it has been established by clear and convincing evidence that some improper practice occurred to such a degree that it could have affected the outcome of the election. Stolle cited the PRB’s decision in *Amie et al. v. Local Union 276, UAW*, PRB Case No. 1672 (2012), in support of this standard. Stolle concluded that Slimp had not met this burden in connection with his appeal of the CTMP Shop Chairperson election. He noted that Slimp’s appeal revolved primarily around claims that his opponents were campaigning on company time or in the vicinity of the polls. He found that Slimp had not produced clear evidence of that practice. The time sheets Slimp attached to his appeal did not link compensated periods to any specific campaign activity. Stolle observed that the PRB has rejected, as a basis for upsetting the results of an election, the presence of advantages that naturally accrue to incumbent candidates such as the opportunity to campaign during working hours; he cited the PRB’s decision in *Moye v. Local Union 110, UAW*, PRB Case No. 1205, 10 PRB 32 (1997).³¹

Stolle held that it was Slimp’s responsibility to bring any violations of election rules to the attention of the election committee while the election was underway.³²

Stolle concluded that Slimp had not produced evidence of serious errors or violation of election rules that could have changed the outcome of the election for CTMP

²⁹ Record, p. 81.

³⁰ Record, p. 72.

³¹ Record, p. 70.

³² Record, p. 71.

Shop Chairperson. Based on that conclusion, Strolle denied Slimp's appeal. The IEB adopted Strolle's report as its decision. President Williams provided Slimp with a copy of the IEB's decision on October 25, 2015. Slimp has now appealed the IEB's decision to the PRB.

ARGUMENT

A. Michael Slimp:

During the general election, thousands of unsigned cartoons were circulating in the plant making false accusations against me and calling me names. I brought this to the attention of my team leader and my supervisor. On the day of the runoff election, Steve Barber's wife Melissa was seen passing out another hate flyer calling me names. Sally Menius reported this activity on the local union's website. Within a short time, the local took down the website, thus removing the evidence. Sally Menius wrote a letter describing this.

The company has adopted a policy that guarantees every employee a safe workplace free from harassment and discrimination. The International Union claims that I should have taken my complaint to the personnel department. Why is this just my fight when it is everybody's responsibility to maintain a workplace free from harassment? I have complained to Human Resources Representative Tiffany McDonald and Shop Chairperson Steve Barber about the hostile work environment and harassment. Past practice has shown me that they will not address my issues. During the hearing on my appeal, Chairperson Steve Barber stated that he knew his wife was distributing hate flyers against me in violation of the company's policy.

Our collective bargaining agreement governs when there is a need for redistricting. Two weeks prior to nominations, the Shop Chairperson changed my district from 201 to 205. They only moved five robot techs and six team leaders to district 205 at this critical time prior to the election. The local union is supposed to know where members are assigned to work in the plant. On election day, I had to correct the election chairperson because she gave me a ballot for the wrong district. I have never moved and worked in the same place and department where I was hired eleven years ago. Yet, the local did not know my district. They allowed employees to vote using the honor system. There were 1,000 new employees in the plant. Most of these new hires did not know where or what district they belonged to, thus creating mass confusion during the election process.

The election committee chairperson claims she scheduled a meeting with the candidates. At the International Union's hearing, the newly elected representative for district 205 stated that he received a message rescheduling this meeting two days after the meeting. Only one person showed up for the meeting. That shows that the message did not reach the candidates. Candidates were also not informed that they could request a mailing list of members. We were left to educate ourselves or be left out of the loop.

Jovan Miller was campaigning on company time for two straight weeks prior to and during the election, May 19 through May 26. His overtime for this period was over eighty hours. I provided witnesses to this at the International Union's hearing. I provided statements and time sheets showing that Shop Chairperson Steve Barber spent all three lunches in the cafeteria on election day while he was being paid by the company. At the same time, Sally Menius testified during the hearing that the election chairperson made her leave the outside stairs of the cafeteria because she was supporting my candidacy.

Many people received two ballots for the shop chairperson's race. Even the shop chairperson, Steve Barber, received two ballots. The election committee chairperson stated at the hearing that the number of ballots matched the number of voters. How is that possible? There are two thousand eligible voters and only 800 members voted in the election. Did they use the twelve hundred that did not vote to make the numbers turn out right? Gene Ward testified during the International Union's hearing that when he voted, his name was highlighted as if he had already voted.

I have supplied documentation to support my claims. I am looking for help from the Public Review Board to address the unfair and illegal treatment I have encountered at this local. I have lost all faith in the local union addressing any of my issues. Everyone knows that the rules are different for me. Many of the current union representatives refer to that as the Slimp factor. If I had the advantages that Steve Barber enjoyed, the outcome of the shop chairperson election would have been different. The election committee is meant to be a neutral party in the process. In this case, the election committee supported one candidate and created unfair conditions for his opponent.

B. International Union, UAW:

Slimp's complaints about the content of his opponent's campaign literature should be dismissed. Slimp argues that the company failed to enforce its policy against name calling and slander. There is no indication that Slimp raised the rule violation with the Company. In any event, the company's rule does not govern the validity of a local union election. The PRB has ruled that the content of campaign literature will not serve as the basis for overturning an election. The PRB has observed that the nature of election material lends itself to exaggeration and sharp attacks. In such a contentious election, this type of political rhetoric is to be expected. Slimp further alleges that the company gave his opponent access to his personnel file. Such access, if established, would not be grounds to overturn an election. In any event, Slimp has not shown that Barber had access to his personnel file. He can only show that the campaign literature accurately referred to his application for a position in management.

The local union explained the decision to redistrict the plant. It needed to place the robotic techs and team leaders in the paint department in the same district. The redistricting plan was posted approximately one month prior to the election, although a

correction had to be made two weeks before the election. The local also reported that the redistricting was discussed during a general membership meeting in May. According to the local union, the redistricting was completed in compliance with the collective bargaining agreement.

Slimp complained that the election committee did not know members' assigned districts so that voters were allowed to cast ballots in the wrong district. The local election committee had difficulty obtaining accurate lists of the districts because of the high level of movement within the plant. The local posted the representational structure in the plant and made challenged ballots available when it was not clear where a voter was assigned. This was a reasonable approach under the circumstances. Slimp has not shown that there was any improper or inaccurate voting.

Slimp did not substantiate his claim that the local election committee failed to meet with the candidates. In fact, the local election committee reported that the chairperson scheduled a meeting with the candidates for May 11, 2015, but only one person showed up. The meeting with the candidates was announced at a general membership meeting. Slimp complains that he was not informed that he could obtain a membership list from the financial secretary, but this information is available from a number of sources.

Slimp's claim that other candidates campaigned during work time is also unsubstantiated. Slimp provided time sheets for Jovan Miller and Steve Barber, but Barber testified that he was not being paid for the time he was campaigning. This dispute does not warrant overturning an election. Slimp's complaint about candidates campaigning in the vicinity of the polls is also not a basis for overturning an election. The PRB has repeatedly ruled that such violations should be brought to the election committee's attention so they can be addressed immediately. The objector may not observe the offending behavior and then raise the issue after the election results are known.

Slimp's claim that some individuals received more than one ballot fails to establish any violation. The election committee admitted that it had some problems with ballots sticking together. The election committee acted promptly to avoid this problem once it was discovered. The election committee reported that the ballot count matched the sign-in sheet. Slimp's statement that he knows of three people who received two ballots is not enough to establish that the election was affected by this problem, when he lost by well over 100 votes.

DISCUSSION

Slimp has not presented evidence of election improprieties serious enough to warrant rerunning any of the contests in the general elections conducted by Local Union 3520. Local union elections are presumed to be valid. In order for a challenger to rebut that presumption, it must be shown by clear and convincing evidence that some improper practice occurred to such a degree that it could have affected the outcome of

the election.³³ It is difficult to understand what point Slimp is trying to make with some of his arguments. The local union president explained the circumstances that caused two former district representatives to be disqualified because they lacked a year in good standing. Slimp has not explained how this situation had any connection to his candidacy for chairperson of the CTMP unit. Slimp argues that a redistricting of the plant diminished his support, but he has not shown that the redistricting was otherwise improper. The local union maintained that the redistricting complied with the collective bargaining agreement. If Slimp disputed that position, it was up to him to set forth his position in a clear and precise manner. The reviewing body cannot be expected to supply arguments to fill gaps in an overly general election protest in order to give meaning to it.

Slimp complained that he was disadvantaged because he did not know he could inspect the membership list and have his campaign literature mailed directly to the members, but the election committee chairperson reported that Slimp failed to attend the informational meeting scheduled to discuss election procedures with the candidates. Candidates have an obligation to inform themselves about election rules. A candidate cannot blame the election committee for his own failure to learn about the procedures. With respect to the content of the campaign literature, Slimp has confused the company's policy designed to prevent a hostile work environment with the union's rules for conducting an election. A UAW member's right to full freedom of speech is protected by the Ethical Practices Codes. The range of speech permitted during a local union election campaign is very broad. We have consistently reaffirmed our position that sharp attacks upon a candidate in the context of a political campaign, even attacks that he or she may feel amount to vilification, will not normally be grounds for setting aside an election.³⁴ It is not the employer's role to police the union's campaign literature.

The one significant allegation Slimp raised in support of his protest was his complaint that his opponents were permitted to campaign in the cafeteria while they were being paid by the company. Slimp provided Jovan Miller's and Steve Barber's time sheets to support this argument. The time sheets show the hours for which these employees received compensation but, as the IEB's hearing officer observed, Slimp has not demonstrated that the compensated time was used for campaigning. Election Committee Chairperson Maria Turner stated that she did not observe the alleged campaign activity in the cafeteria. We agree generally with the IEB's conclusion that this is the sort of violation that a candidate should bring to the attention of the election committee immediately. A candidate may not assert as a basis for overturning an

³³ *Williams and Brown v. International President*, PRB Case No. 1540, (2006); *Carthon V. Local Union 2297, UAW*, PRB Case No. 1603 (2008); *Amie, et al., v. Local Union 276, UAW*, PRB Case No. 1672, 14 PRB 813 (2012), and *Patenaude and McGrath v. Local Union 2322, UAW*, PRB Case No. 1705 (2014).

³⁴ *Scott v. Local Union 239, UAW*, PRB Case No. 709, 5 PRB 37 (1985); *Moye V. Local Union 110, UAW*, PRB Case No. 1205, 10 PRB 32 (1997); *Amie, et al. v. Local Union 276, UAW*, PRB Case No. 1672 (2012); *Jakstas v. Local Union 848, UAW*, PRB Case No. 1715 (2015) and *Donovan et al. v. Local Union 2000, UAW*, PRB Case No. 1721 (2015).

election an improper election practice which could have been remedied by its timely assertion.³⁵

Nevertheless, we want emphasize that the use of employer funds to support any candidate for local union office is a violation of federal law and the UAW's rules governing the conduct of elections. Such conduct could be grounds for overturning an election if the violations were so widespread that the election committee could not credibly claim ignorance of them. A local union election committee has the responsibility to be alert to campaign activity that appears to violate the rule against employer support for any candidate. Even in the absence of a protest, a local union election committee must to take whatever steps may be necessary to prevent such violations and to remedy them accordingly.

In the end, however, there is no persuasive evidence in this record of the kind of open and obvious violations of the rule that should have been addressed by the election committee. Moreover, the margins of victory were sufficient to support a conclusion that the election results reflected the membership's choice for chairperson.

The decision of the IEB is affirmed.

³⁵ *McGuffin v. Local Union 44*, PRB Case No. 711, 5 PRB 42 (1985); *Salisbury and Hancock v. Local Union 892*, PRB Case No. 515, 3 PRB 73 (1980); *Gainer v. Local Union 774*, PRB Case No. 1727 (2015), and *Reichle v UAW Local 400 Joint Council*, PRB Case No. 1732 (2015).