

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: TEAMSTERS UNITED,)	Protest Decision 2015 ESD 23
)	Issued: August 18, 2015
Protestor.)	OES Case No. P-019-072215-NE
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Teamsters United filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2015-2016 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that two stewards improperly surveilled campaign activity and prevented members from hearing the campaign message of Teamsters United campaigners.

Election Supervisor representatives Peter Marks and Jeffrey Ellison investigated this protest.

Findings of Fact

At about 7:45 a.m. on July 21, 2015, Matt Maini, Brooke Reeves, and Carissa Paolino began campaigning for Teamsters United in the parking lot where employees park their vehicles at the UPS facility in Watertown, MA. They circulated accreditation petitions for the slate and had good success with early-in drivers.

At about 8:30 a.m., Janet Guazzoloca, a steward at the facility, arrived in her UPS package car driver uniform. She saw the campaigners and immediately began interfering with their activity. First, she approached the campaigners, pointed her finger at each, and demanded to know their names. They introduced themselves and asked her to sign their petitions. Guazzoloca did not sign and did not introduce herself.¹ From that point on, when the campaigners addressed arriving employees and solicited their signatures, Guazzoloca repeatedly told members in the presence of each campaigner, “Don’t sign that,” referring to the accreditation petitions. In Maini’s presence, she emphasized more than once, “If you sign that, you’re going to have problems.” According to Maini, when one member defied Guazzoloca’s instructions and signed the petition anyway, Guazzoloca pulled out her cellphone and snapped a picture of the member. When Guazzoloca moved to where Reeves was campaigning, she repeatedly stepped into the two or three feet of space that separated Reeves from the member she was addressing and told the member directly, “Don’t sign that,” and “Don’t listen to her.” Paolino reported a similar experience, with Guazzoloca telling members she spoke with not to sign her petition or listen to her. All three campaigners reported that Guazzoloca repeatedly took pictures of them and the members to whom they campaigned.

Maini objected to Guazzoloca’s conduct, telling her that the campaigners had the right to be there to campaign and that members had the right to hear the campaign message free from Guazzoloca’s threats. Guazzoloca replied that she could do anything she wished. When the campaigners moved away from the location where they had campaigned successfully in an effort to get away from Guazzoloca’s interference, Guazzoloca followed them and continued her interference. She remained hovering around

¹ Guazzoloca wore a steward’s pin on her lapel, and the campaigners heard rank-and-file members refer to her as “Janet.” Guazzoloca’s identity was confirmed only when she spoke to our investigator and admitted she was present on the morning in question.

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the campaigners, directing members not to sign the petitions until she went inside to begin her work shift.

After Guazzoloca began her interference, many members refused to make eye-contact with the campaigners. Others said softly, “I’m sorry, I can’t sign that” or “I’ve been told not to sign that.”

At various points, Guazzoloca expressed her political support for Hoffa-Hall 2016 and Sean O’Brien. O’Brien is principal officer of Local Union 25 and a candidate on the Hoffa-Hall slate. Guazzoloca variously told members employed at UPS Watertown that “this is an O’Brien barn,” that the campaigners are “running against Sean,” that the campaigners had gotten O’Brien “in trouble with the IRB,”² and that by signing the petitions members would be “turning your back on Sean.” To the campaigners, she said, “Your kind is not welcome here.

About ten minutes after Guazzoloca arrived and began interfering, Jack Maier pulled into the parking lot. Maier also is a steward at the facility. Maier did not initially park his pickup truck in a parking spot in the lot. Instead, he pulled his vehicle up in a parking lot aisle little more than a car length from where the campaigners were standing. According to Maini, Maier pulled out his cellphone and began taking photos or video of the campaigners. Guazzoloca frequently went over to Maier’s truck and spoke with him during the thirty minutes he was there before heading inside to report for work. Just before the start of his shift, Maier parked his truck and walked into the facility with Guazzoloca, telling the campaigners that they shouldn’t come back.

Guazzoloca admitted she was present in the parking lot for approximately thirty minutes before going in to the facility to begin work. She denied that she interfered with the campaigning. She also denied that she took pictures or video of anyone or anything at that time. She stated that she merely told members that the campaigners were there to seek petition signatures. Maier admitted being present for approximately a half hour but denied interacting with the campaigners. He also denied seeing any photos being taken and denied doing so himself. Finally, he denied hearing anyone tell members not to sign petitions.

Analysis

Article VII, Section 12(a) of the Rules states that “Union members retain the right to participate in campaign activities, including the right to run for office, to support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions.” The same provision grants to members “the reciprocal right to hear or otherwise receive such campaign advocacy.”

These provisions gave the Teamsters United campaigners the right to solicit support for their candidates at UPS Watertown. They also gave Guazzoloca and Maier the right to oppose those candidates. [Ramos](#), 2006 ESD 65 (February 3, 2006).

Had Guazzoloca and Maier merely campaigned vigorously in opposition to the advocacy of the Teamsters United supporters, we would deny this protest. However, Article VII, Section 12(g) states

² An apparent reference to a 14-day suspension without pay imposed on O’Brien for threatening to “punish” members of Local Union 251 who supported candidates O’Brien opposed. *See Teamster* magazine, June 2014, p. 30.

that “[r]etaliatio[n] or threat of retaliation by the International Union, any subordinate body, any member of the IBT, any employer or other person or entity against a Union member, officer or employee for exercising any right guaranteed by this or any other Article of the Rules is prohibited.”

Guazzoloca committed prohibited retaliation by threatening rank-and-file members with: “If you sign that, you’re going to have problems.” Guazzoloca was a shop steward. In that role, she was both the chief advocate and the first line of defense for members on the shop floor, for she possessed the authority to deal directly and immediately with management to enforce the collective bargaining agreement and work rules and to settle disputes between co-workers. In this context, a threat that “you’re going to have problems” because the member has signed a petition wrongfully coerces that member not to exercise the right to support the candidate of his or her choosing, or coerces the member to avoid exercising protected political rights altogether. Rather than permit the members to support a candidate as each member may choose to do on their own, Guazzoloca sought to compel them not to exercise their political rights by threatening to withdraw union support if they showed support for candidates Guazzoloca opposed. Such conduct violates the *Rules* because it constitutes a “palpable threat of actual harm.” *Echeveria*, 2006 ESD 66 (February 3, 2006); *Ostrach*, 2000 EAD 57 (December 6, 2000), *aff’d*, [01 EAM 15](#) (January 19, 2001).

Guazzoloca compounded this impermissibly coercive conduct by taking photos of the campaigners interacting with rank-and-file members and, in particular, by taking a photo of a member who was signing a petition. She also impermissibly interfered with members’ rights to hear the campaign advocacy of the Teamsters United campaigners by interjecting herself between the campaigners and members and demanding that they not to listen to the advocacy.

Maier joined in Guazzoloca’s coercive conduct by taking photos or video, or appearing to do so, of the campaign activity. Surveillance and the appearance of surveillance violates the *Rules* as impermissible coercion. *Zuckerman*, 2015 ESD 8 (July 16, 2015). Guazzoloca denied engaging in any prohibited activity to deter collection of accreditation signatures, taking pictures when members stepped forward to sign petitions, or other coercive activity. We find Guazzoloca’s denials of improper activity not credible and credit the account of Maini, Reeves and Paolino. Guazzoloca admits being present in the parking lot for 30 minutes, during which time member response to the signature solicitation nearly ceased.

For these reasons, we GRANT the protest.

Remedy

When the Election Supervisor determines that the *Rules* have been violated, he “may take whatever remedial action is deemed appropriate.” Article XIII, Section 4. In fashioning the appropriate remedy, the Election Supervisor views the nature and seriousness of the violation as well as its potential for interfering with the election process. “The Election Supervisor’s discretion in fashioning an appropriate remedy is broad and is entitled to deference.” *Hailstone & Martinez*, 10 EAM 7 (September 14, 2010).

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We direct Guazzoloca to cease and desist from coercing members with respect to the rights under the *Rules* generally and, in particular, by threatening reprisal for signing petitions and by surveilling campaign activity.

We direct Maier also to cease and desist from coercing members with respect to their rights under the *Rules* generally and, in particular, by surveilling campaign activity.

Within three (3) days of receipt of this decision, we direct Guazzoloca and Maier to sign the notice attached to this decision and Local Union 25 to post the signed notice on all union worksite bulletin boards at UPS Watertown. We impose this remedy to inform members of their rights under the *Rules* and of the violations committed by Guazzoloca and Maier. The notice shall remain posted through September 30, 2015. Within three (3) days of completing the posting, Local Union 25 shall submit a declaration of posting to our office.

Although we find that the actions by Guazzoloca and Maier were intended to oppose the Teamsters United candidates and support the candidates on the Hoffa-Hall 2016 slate, we impose no remedy at this time on Hoffa-Hall 2016. However, should we find that Guazzoloca or Maier in the future engage in conduct that is prohibited under our cease and desist order, we will consider imposing a remedy, including a fine, against Hoffa-Hall 2016.

A decision of the Election Supervisor takes immediate effect unless stayed. *Lopez*, 96 EAM 73 (February 13, 1996).

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Supervisor in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Kathleen A. Roberts
Election Appeals Master
JAMS
620 Eighth Avenue, 34th floor
New York, NY 10018
kroberts@jamsadr.com

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1050 17th Street, N.W., Suite 375, Washington, D.C. 20036, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kathleen A. Roberts
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Richard W. Mark
Election Supervisor

**NOTICE TO MEMBERS OF TEAMSTERS LOCAL UNION 25
EMPLOYED AT UPS WATERTOWN
FROM JANET GUAZZOLOCA AND JACK MAIER, SHOP STEWARDS**

The Election Supervisor has found that we violated the Rules for the 2015-2016 IBT International Union Delegate and Officer Election (“*Rules*”) by coercing and threatening to retaliate against members who support the Teamsters United slate and by conducting surveillance of campaign activity.

The Election Supervisor has ordered us not to threaten or coerce members in the exercise of their rights, has ordered that we sign this Notice, and has directed that Local Union 25 post it on all Union bulletin boards at the UPS Watertown facility.

The *Rules* protect the right of all IBT members to run for delegate, alternate delegate and International office and to support candidates of their own choosing for those offices. The *Rules* further prohibit any coercion, retaliation or threat of retaliation against any IBT member for engaging in such protected conduct.

The Election Supervisor will not permit any such coercion, retaliation or threat of retaliation.

The Election Supervisor has issued this decision in *Teamsters United*, 2015 ESD 23 (August 18, 2015). You may read this decision at <https://www.ibtvote.org/Protest-Decisions/esd2015/2015esd023>.

Any protest you have regarding your rights under the *Rules* or any conduct by any person or entity that violates the *Rules* should be filed with Richard W. Mark, 1050 17th Street, N.W., Suite 375, Washington, D.C. 20036, telephone: 844-428-8683, fax: 202-774-5526, email: electionsupervisor@ibtvote.org.

Janet Guazzoloca
Shop Steward, Teamsters Local Union 25

Jack Maier
Shop Steward, Teamsters Local Union 25

This is an official notice prepared and approved by Richard W. Mark, Election Supervisor for the International Brotherhood of Teamsters. It must remain posted on this bulletin board through September 30, 2015 and must not be defaced or covered up.