

USW Local Union 1066 Regular Union Meeting Minutes: April 18, 2018

- The meeting was called to order by President McCall and the Pledge of Allegiance was recited.
- Roll Call of Officers and Grievors was taken by Louis Bain.
- Minutes from previous meeting were read by Louis Bain. A motion to accept them as read was made and seconded. Ayes carried and the motion passed.
- **Communications read:** Protests of the election from members Brandon Rainwater, Eriek Nickson, Braniff “Brad” Laster, and William “Billy” McCall.
- **Treasurers Report:** Given by Louis Bain. Motion was made to accept the report as given. The motion was seconded. Ayes carried and the motion passed.
- **Financial Secretary’s Report:** Given by Louis Bain. A motion was made to accept the report as read. The Motion was seconded. Ayes carried, and the motion passed.
- **Reading of the Bills:** Louis Bain read the bills. A motion was made to accept as read. Motion was seconded. Ayes carried. Motion passed.
- **New Business:** Byron Stallworth gave the Election Committee Report to the membership. He covered the process of getting the election together, deeming brother Brandon Rainwater ineligible to run for Grievance Chairman based on our local union by-law article XX, deeming brother Eriek Nickson ineligible based on the International Constitution Article VII, Section 10, sending out absentee ballots (14 were sent to members, only 12 were received back), conduct of the election, and clean up. He then stated the results of the election. Byron also made a recommendation to move the election from its traditional date, on the first Tuesday of April to the second Tuesday in April to better allow for the Election Committee to prepare the election. Recording Secretary Bain then read a protest from Brandon Rainwater. The floor was then opened to debate. Brother Craig Dodson asked Brother Rainwater why he did not run for grievor. Brother Rainwater stated because of moving departments and that he ultimately thought he could be the Chairman of the Grievance Committee and do an outstanding job. Brother Joe Bavuso stated that the Department of Labor states that the by-law is illegal. Brother Jim Coons asked why file the protest now? Brother Rainwater stated he followed the procedure as stated in the Local Union Election Manual. Brother Rich Gross stated that he believes the by-law brother Rainwater is protesting is illegal and was when it was instated. He wrote letters to the international to protest it. However, no matter how much he agrees with Brother Rainwater, we need to follow our by-laws. Brother Tony Timmons stated he was on the executive board at the time of creating that requirement a by-law. The E-board debated about changing it, however even the old way of the grievors being elected first and then the committee would go downstairs and select their chairman, you had to be a grievor before you could be the chairman. Brother Tom Novak stated you had to be a grievor before to be chairmen and this by-law change gave the membership the opportunity to vote for their chairmen. We also got an extra grievor out of it too. Brother Rainwater responded saying that he believed the Chairperson position should not

be run unopposed. It is one of the most paramount positions of the union and the membership should have a choice. Brother Chris Hansen asked if there were other uncontested races in the local? Brother Rainwater stated yes there was, for Section 2 Griever, however that was because nobody wanted to run against the incumbent, not because they were disqualified from running. Brother Dan Silich stated he thought that you should have to run as griever first before running as chairmen to prove your worth before you represent the whole side and not just a section. Brother John Long stated to keep in mind that the membership has now voted on this by law twice, once to make it the by-law and once to keep it as a by-law. President McCall stated that we have a lot of opinions on what this should be but what Brother Rainwaters protest is debating is the facts. Someone stated earlier the International has already ruled on whether this is allowed, but this is Brandon's avenue to see if this is allowable both under the Steelworkers and under the law. A vote was called, and the Nays carried by an overwhelming majority. The protest was not supported.

A protest from Brother Eriek Nikson was read. Brother Nikson added that he is not trying to discount the 1/3 rule for candidate eligibility. Brother Nikson recapped the proof that he provided being a caregiver of his grandmother and her living with him since late 2016 until her passing, having to help her during in home rehabilitation, which four of those visits were on union meeting days. Brother Bret Mesmer asked when Brother Nikson's grandmother passed. Brother Nikson stated July of 2017. Brother Mesmer then questioned if Brother Nikson could not have made one more meeting? Brother Jason Bahus asked if he thought that he had enough meetings when he started campaigning for the office of Section 3 Griever, he was told by the young lady at the union hall that if he did not miss any more meetings he will be eligible. That was September 2017. I did not miss any meetings after that. But when I was nominated I received a letter from Mr. Stallworth stating I was indeed one meeting short. Brother Rich Gross states that the meeting requirements are 8 meetings. President McCall stated it is 1/3 of 24 months meetings because of possible canceled meetings, etc. President McCall then explained the rule and how to get exempted from meetings and Brother Nikson's situation with missing four meetings due to care of a member of the immediate family. Brother Matt Novak stated his condolences to Brother Nikson on the passing of his grandmother but prior to her illness, where were you for those meetings. Brother Nikson said he was just starting to get his feet wet with being involved at that time. Brother Mark Persin asked that prior to September when your grandmother was diagnosed when was your last meeting attended prior to that? Brother Nikson stated he was at union meetings consistently in 2015 fighting for the transportation incentive. Family came before the union in 2017. Brother William Fulton said the meetings before that doesn't matter because it does not cover the requirements of the rule. Brother Rich Gross stated that Brother Eriek has been active in this local and has served on the CAT team with him. Brother Bob Richardson asked if grandparents are included in immediate family. President McCall answered that the rule states immediate family and gives examples, but it can be construed to mean someone you live with. Brother Chris Hampton stated that you get paid to go to a grandparent's funeral and that it is listed as immediate family in our contract. Teller Board member Brother Dana Follow stated the reason the Teller Board made this decision was based of page 26 of the Local Union Election Manual, claiming the responsibility of giving an excuse is that

of the member. The Teller Board reached out to Eriek during the 5-day period he had to sign his nomination card, we contacted his manager and we requested documentation. Eriek gave us pay sheet from January to April of 2018 and did not present us with any other excuses. That was why we made the determination that he was not eligible. Brother Mark Lash asked that if you had that information that was presented today, would Brother Nikson be granted candidacy? Brother Follow stated that we never received this information in the 5 days period candidates have to sign their acceptance card. Brother Nikson said that the reason he did not get it to the Teller Board in the 5-day window was he did not realize what all he had been dealing with in the last 24 months with his grandmother until after that. A hand vote was taken, and it appeared too close to call, so a split of the house was done. 101 members were against Brother Eriek's protest. 132 supported brother Nikson's protest. The protest was supported.

A protest from Braniff Brad Laster was read. Brother Laster stated that there are a lot of rumors going around that I do not want the absentee ballots counted. That is not true. The ballots that a member came to the election polls and saw were quite different from the ballots that an absentee voter saw. That was due to the election committees error. The bottom of the ballot that designates where the voter is from was not filled out properly. I met with Byron Stallworth the Election Committee chair and as we talked there were more administrative errors. We are a union of rules or we are not. In the preliminary vote count, I won. It was my understanding that the absentee ballots were put into the preliminary count. But because the absentee ballots could not be identified, the counting machine rejected those ballots because of the administrative error. Brother Stallworth told me that the machine was modified to count the absentee ballots. That is why I talk about a properly prepared ballot. Secondly what took place, there were 5-7 absentee ballots not mailed. Brother Kevin Abernathy stated that he was one of the members that did not get a mailed ballot. He came to the hall to pick his up because he was leaving on vacation and would not have been given the opportunity to vote otherwise. I did not see any problem with what was going on here. I have 28 years here and I think that it is right that my vote counts. Brother Tony Timmons said that absentee ballots can't get sent out until all the candidates sign their letter of intent, when did you sign it? Brother Laster said Tuesday. I was out of town burying a loved one. I tried to sign one and fax it back, but they deemed that they would not honor that. So, Byron came and saw me at the tin mill and I signed an official copy then. Brother Timmons said that the Teller Board gave you the same courtesy as they did the people with absentee ballots and you are using that to say they screwed up? I don't agree with that. President McCall stated that the timeline is obvious and was stated in the Election Committee report. We traditionally hold our election on the 1st Tuesday of the month. It did not give us a lot of time to prepare this election between the last meeting and the election. That is why the election committee recommended that we move it to the 2nd Tuesday of the month to remedy that. But the question is if the procedure is being followed in the manual, not anything else. Brother Laster stated that he filed his protest and mailed it overnight certified. There is no excuse that we only have 5 days. Teller Board member Brother Dan Hessling stated that when it comes to the absentee ballots, we afforded every opportunity for members to vote. There 14 people that went through the trouble to fill out the paperwork to get an absentee ballot. We wanted to honor those members by giving them an opportunity to vote. We also wanted to

honor Brother Laster's circumstances as well. Byron went out of his way and met Brad at the tin mill, so he could sign his acceptance to run. We felt as a committee that every decision we made was for the benefit of the membership. When we realized that ballots may not get mailed in time we called all 14 people. Some chose to come to the hall and pick them up and mail them back. Some chose to still have them mailed. You state in your protest that it must be mailed, but the manual says it shall. Shall is defined as may now legally. There have been supreme court rulings on the only words that legally obligate you are the words must or must not. Shall will be considered may. In response to the count of the ballots. We order for the people that come here to vote pre-printed ballots. The absentee ballots are blank because we don't know what section the members requesting will be in. When we put them out we forgot to mark that members section number. When they came to be counted, we put them in the ballot box. When those ballots were kicked out we followed the book saying any section that cannot be figured out shall be omitted. So, what we decided to do, was count the Executive Board votes on those ballots. We looked at all the sections griever race. If any of them were within 12 votes we would have had a problem. None of the griever races were that close so we ran the ballots again. We allowed the observers to come out of the observer box and watch up close the counting and explained what we were doing to them. We did everything right and to the benefit of this membership. Brother Dan Milligan said that he is not sure how this works. We voted the Teller Board in correct? Yes. We hope they make good decisions? Correct. A person asked you about the absentee ballots when you were walking around. The answer you gave was that you thought it was fair. Brother Laster said he felt it was fair, however the procedure wasn't followed. Brother John Long stated that everyone who got a ballot signed to get a ballot. Why are we thinking about throwing ballots out? There are two things that separate union members and free loaders. That's running for office and voting. To tell me my vote doesn't count is BS. Brother Laster stated that I did not say your vote shouldn't count but we should do it the right way. Brother Mark Lash stated the debate we should be having is about the protest he has filed. I am here to inform you that this protest has no merit. Everybody that got a ballot got to cast their ballot and have their vote counted. They all signed for their ballots, they were all dues paying members in good standing and the procedures were followed in counting those ballots. My question to you Brother Laster is the remedy you are seeking in your protest is to have the absentee ballots thrown out and you be declared the winner. Is that not what you are protesting? Brother Laster said that is the remedy I requested, however this will go to the International and it they will determine that. Brother Lash said that is only if an appeal is filed to the International on the results of the protest vote tonight. Brother Cliff Sandifer said that I am elated that so many members are here to be a part of the process and that have taken the time to be here and not blow past this part of the process. We all have something at stake in this process. If we have a question of integrity about this process, we should all want that question answered. Brother Rich Gross asked Brother Byron Stallworth, Election Committee Chairman, were there mistakes made during this election? Brother Stallworth answered there were some indiscretions made during the process. Primarily as stated in his report due to the time constraints. The timeframe between the third Wednesday of March and the 1st Tuesday of April are usually 19 days apart. They way it fell this year, that timeframe was only 12 days. Every

member that got a ballot signed for it. We did everything we could to get every member's vote to count. President McCall called for a vote on the protest. The protest was not supported by an overwhelming majority.

A protest was read from William "Billy" McCall by Secretary Bain. President McCall stated that we had 47 returned notices in the mail so far. The International used an old list when sending out the mailings. The issue on the Facebook page is it is an unofficial page using the USW logo as if it is an official page. That is a violation as well. Brother Craig Dodson said that when he started and named the page he was not running for office and just made it to get information that they felt they were not getting. If the International wants it changed they can come down and have us change it. I gave up the admin of the page when I decided to run for office. Brother McCall stated that there are other avenues to use to do that, however you cannot use a site that has the USW logo to campaign and discuss issues and hold polls. Brother Dodson said the poll was created by an individual, not the admins of the page. Brother McCall stated the admins should have taken the poll down. It should not have been allowed. Brother Dodson said everyone could post political flyers, information sheets, and posts from all candidates and groups. Before I stepped down as an admin I made it a point to make sure that none of the posts about candidates were negative. Brother McCall stated that this is about it violating procedures in the Election Manual and nothing else. This is about how the effects it has on our elections as we go forward. Brother Tony Timmons asked if Brother McCall in his campaign literature did he purposefully wear a USW shirt? Brother McCall stated that he wears a USW shirt every day. Sister Sharntell Smith said that it is time to go to work, get together and get our stuff right. Brother Dan Silich said thanks to the membership thanks for the votes and I had a good time with it. President McCall called for a vote on the first protest. Nays overwhelmingly did not support the protest of the mailings. He then called for a vote on the second protest, use of the USW logo. Nays overwhelmingly did not support that protest.

President McCall called for a vote to accept the Election Committees vote or not. The membership voted overwhelmingly to accept the Election Committee's report.

- **Staff Report:** No report given.
- **Chairmen of Grievance Committee:** No report given.
- **Maintenance Planning Committee (Contracting Out):** No report given.
- **Civil Rights:** No report given.
- **Safety Report:** No report given.
- **Incentive Committee Report:**
- **Women of Steel(WOS):** The Women of Steel had a hot dog fundraiser. They raised about \$200.
- **Presidents Report:** President McCall
- **Unfinished Business:** No unfinished business.
- **Good & Welfare:** The list of deceased members was read; a moment of silence was observed.
- With the regular order of business concluded, President McCall called the meeting adjourned. There were 260 members that attended the meeting.