



November 25, 2020

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your September 9, 2019, complaint filed with the United States Department of Labor (Department) alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the election of officers held by the Allied Pilots Association (APA or the union) on April 30, 2019, and May 31, 2019.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department concluded that no violation of the LMRDA occurred that affected the outcome of the election. This conclusion is explained below.

You alleged that an APA staff member sent you text messages on April 17 and 18, 2019, that constituted unlawful campaigning during the election. Section 401(g) of the LMRDA prohibits the use of union or employer funds to promote the candidacy of any person in an election of union officers. 29 U.S.C. § 481(g). The investigation revealed that on Wednesday, April 17, 2019, at 9:46 a.m., [REDACTED] an APA employee and member of Allied Pilots Staff Employees Association (APSEA), sent you a text message that referred to ongoing contract negotiations between APA and APSEA. It stated: "Sorry the word and CNR. Your union won't agree 2 much of anything within it's [sic] own APSEA union employees of like 35 peeps. How can they possibly represent 15,000 pilots? Spread not sorry in message above." You allege that this text message contributes to a violation showing one union, APSEA, attempting to influence the APA national officer election for the purpose of affecting the contract negotiations of APSEA and the APA. While the investigation further revealed that [REDACTED] was on the clock at the time that she sent the text, the meaning of the text is unclear. To the extent that this text message alone would even constitute campaigning, there was no effect on the outcome of the election because only you received the message and no races were decided by one vote.

On April 18, 2019, at 6:10pm, [REDACTED] sent a second text message to you and three other APA members. This text stated: "Please share and vote" with a link to "Upgradeapa.Org." The Department's investigation revealed that [REDACTED] was off the clock when she sent this second text message. As such, there was no use of union or employer funds. In addition, interviews with the three other recipients of this text message revealed that none of them shared the text message. There was no violation.

You also alleged that in your role as an observer for candidate for [REDACTED], candidate for vice chairman of the Los Angeles domicile, you were not able to observe eligibility determinations as well as the tally of the domicile elections for the Boston, Chicago, or Los Angeles domiciles. The Department's investigation found that you were not a member of any of these domiciles, and thus not entitled to observer rights in these domiciles. Accordingly, there was no violation.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA that may have affected the outcome of the election. Accordingly, the office has closed the file regarding this matter.

Sincerely,

[REDACTED]

Tracy L. Shanker, Chief
Division of Enforcement

cc: Eric Ferguson, President
Allied Pilots Association
14600 Trinity Blvd., Suite 500
Fort Worth, TX 76155

Jonathon Elifson, Esq.
14600 Trinity Blvd., Suite 500
Fort Worth, TX 76155

Beverly Dankowitz
Associate Solicitor for Civil Rights and Labor-Management