



June 10, 2021

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your January 28, 2021 complaint to the Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred in connection with the January 15, 2021 election of union officers held by Local 3670 (local or Local 3670), American Federation of State, County, and Municipal Employees (International).

The Department of Labor (Department) conducted an investigation of your allegations. As a result of the investigation, the Department concluded that there were no violations that may have affected the outcome of the election.

You alleged that the local should have declared you the winner by acclamation when the election committee disqualified your opponent's nomination for local president. Section 401(c) requires unions to provide adequate safeguards to ensure a fair election. 29 U.S.C. § 481(c). Section 401(e) requires unions to conduct their elections in accordance with their constitution and bylaws. 29 U.S.C. § 481(e). The LMRDA does not proscribe particular procedures for the nominations of candidates and unions are free to employ any method considered reasonable under the LMRDA. 29 C.F.R. § 452.57(a). The International's constitution, Appendix D, Section E, required that those nominating candidates for local union office be union members. The constitution, Appendix D, Section F, further provided that "where there is only one nominee for office, such nominee shall be declared elected."

The local held its nominations meeting on September 30, 2020, via Zoom because of the disruptions posed by the COVID pandemic. The local sent a Zoom link to members only. The two-member election committee did not require attendees to turn on their microphones and cameras. Your nominator, member [REDACTED], attended that Zoom meeting. [REDACTED], without turning on his camera and microphone, identified himself as [REDACTED] a fictitious person, and used the chat function for all communications, including nominating you for local president. No one was able to see or hear [REDACTED]. Member [REDACTED] nominated [REDACTED] for local president.

The investigation disclosed that the following day, you filed a protest challenging your opponent's eligibility to run for office, alleging she did not meet the six months of continuous good standing required by the local constitution. On the same day, another member who wished to remain anonymous filed a protest with the election committee challenging your nomination on the basis that you were nominated by [REDACTED] who was not a local member. At a virtual membership meeting held on November 18, 2020, the election committee presented its investigative findings and confirmed that [REDACTED] was indeed ineligible to run for office and that you were improperly nominated by non-member [REDACTED]. The Department's investigation further disclosed that you and [REDACTED] both attended that virtual meeting but neither of you spoke up to clarify [REDACTED] true identity. After both candidates for president were disqualified, the local decided to open new nominations which occurred on December 16, 2020. At that meeting, you nominated yourself for local president. You lost by a 28-vote margin to member [REDACTED]

[REDACTED] stated he informed you of his [REDACTED] identity after the first nominations meeting on September 30, 2020. Although the local could have employed more safeguards to verify nominators' eligibility, such as insisting on seeing and hearing each member make a nomination, you had several opportunities – leading up to and during the November 18 meeting when the local discussed its investigative findings – to clarify that your nominator was local member [REDACTED]; however, you did not do so. Given these circumstances, the local's decision to open new nominations was reasonable. Further, the local permitted you to run for office at its new nominations meeting. There was no violation.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred. Accordingly, the office has closed the file in this matter.

Sincerely,

[REDACTED]

Tracy L. Shanker
Chief, Division of Enforcement

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