



June 11, 2021



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed on January 26, 2021, with the United States Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA or Act) occurred in connection with the election of officers of Service Employees International Union Local 503 (SEIU 503 or Union) conducted on September 28, 2020.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to the specific allegations, that there was no violation of the LMRDA that may have affected the outcome of the election.

You alleged that the Union improperly applied a candidate qualification in violation of its constitution and bylaws. Pursuant to Section 401(e) of the LMRDA, every member in good standing is eligible to be a candidate and to hold office subject to reasonable qualifications uniformly imposed. 29 U.S.C. § 481(e). Section 401(e) also requires a union to conduct elections of officers in accordance with the union's constitution and bylaws. *Id.* The Department generally gives deference to a union's consistent interpretation of its constitution and bylaws, unless the interpretation is clearly unreasonable. 29 C.F.R. § 452.3.

Article XI, Section 1, entitled "BOARD OF DIRECTORS" of the SEIU 503 bylaws states: "The Board of Directors of the Union (the Board) is comprised of Directors holding the seats set forth in Appendix 1 to these Bylaws . . . (c) A member can serve as a Director for only two (2) terms in any six (6)-year period." Appendix 1 of the bylaws lists nineteen director and assistant director positions and specifies that "[t]he other Board seats" consist of the Executive Director of SEIU 503 and five statewide officers, including the Immediate Past President. Article XIII of the SEIU 503 bylaws, entitled "STATEWIDE OFFICERS AND IMMEDIATE PAST PRESIDENT," delineates varying term limits for different statewide officers such as two consecutive two-year terms in

any five-year period for the office of president and two terms in a six-year period for secretary and treasurer.

Specifically, you alleged that the Union improperly allowed eleven candidates for director positions and the incumbent candidate for treasurer to run for office after serving two terms in the past 6 years. You argued that all members of the Board of Directors (including statewide officers, directors, and assistant directors) were subject to the term limit of Article XI (“only two (2) terms in any six (6)-year period”) regardless of position title. However, the Union interprets Articles XI and XIII as having separate term limits for positions with director/assistant director titles and statewide officers and that term limits only apply to each individual position title, not for combinations of different positions within the Board of Directors. The Department accepts the Union’s interpretation of its bylaws because it is not clearly unreasonable. None of the eleven candidates for director positions had held the same office for which they ran in 2020 for two terms prior to the 2020 election. Treasurer Mary Stewart had held the position of secretary-treasurer (a position that was later bifurcated into two positions) from 2016-2018, and the office of treasurer from 2018-2020. Thus, none of the candidates you identified had exceeded their term limits for individual positions. There was no violation of the Act.

Next, you alleged that members were denied the right to nominate candidates and vote in the election because many members did not receive the combined notice of nominations and election. Specifically, you alleged that the Union failed to maintain an accurate mailing list because 2,000 undeliverable ballots were returned to the Union. Section 401(e) of the Act provides that every member in good standing has the right to vote for or otherwise support the candidate or candidates of her choice. 29 U.S.C. § 481(e). Section 401(e) further requires that “[n]ot less than fifteen days prior to the election notice thereof shall be mailed to each member at his last known home address.” *Id.* This duty requires, at a minimum, that a union take reasonable steps to maintain current mailing addresses for its members. Regarding notice of nominations, the union may give notice in “any manner reasonably calculated to reach all members in good standing and in sufficient time to permit such members to nominate the candidates of their choice” including by mail to the last known address. 29 C.F.R. 452.56(a).

The investigation disclosed that the Union continually updated its mailing list prior to the election from monthly employer reports. A combined nomination and election notice postcard was mailed to all members’ last known home addresses and posted on the Union’s website on June 8, 2020. The Union also emailed the membership on June 21, 2020, and August 1, 2020, requesting that they verify their contact information for the September 2020 statewide election through a website link. Approximately 4,500 members updated their contact information prior to the ballot mailing. Out of the 45,081 ballots mailed to members on September 7, 2020, 2,113 ballots were returned

from the United States Postal Service as undeliverable. The Union used undeliverable notices that contained a forwarding address to update its databases, which Union staff and Ryder Election Services reviewed daily. The Union attempted to contact members with undeliverable notices by text message, email, and phone call, ultimately sending replacement ballots to 86 members with updated addresses. Thus, the evidence showed that the Union made reasonable efforts to maintain current mailing addresses for its members. The investigation revealed no evidence that members were denied the opportunity to nominate candidates or vote. There was no violation of the Act.

Finally, you alleged that the Union disparately denied a candidate from using a photograph in the election voter's pamphlet which the Union published and distributed to members. Specifically, you alleged that the Union improperly denied [REDACTED], a candidate for Director-South Valley, from using a photo with a frame or banner that included the SEIU logo when other candidates were permitted use of the SEIU logo in their pamphlet photos. Section 401(c) of the Act prohibits disparate treatment of candidates for union office. 29 U.S.C. § 481(c). Although it is unclear why a Union employee instructed candidate Reagan to remove the SEIU logo before re-submitting the photo for publication, the investigation disclosed that neither of the two winners of the race used an SEIU logo in their photograph, and that the one opponent (the incumbent director) who used the SEIU logo in their photograph also lost the race. Thus, there is insufficient evidence that the use of the SEIU logo in the campaign may have affected the outcome of the Director-South Valley race. Additionally, no other candidate in the election was permitted to use a photograph with a frame or banner. Thus, the Union's failure to treat all the candidates similarly did not affect the outcome of the election.

In sum, as a result of the investigation, the Department has concluded that there was no violation of the Act that may have affected the outcome of the election in connection with your allegations that were properly filed. Accordingly, I have closed the file on this matter.

Sincerely,

[REDACTED]

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