



April 28, 2022



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed with the Department of Labor on August 24, 2021, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of officers conducted by the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts, Motion Picture Costumers, Local 705.

The Department of Labor (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. Following is an explanation of this conclusion.

You alleged that Local 705 violated its constitution and bylaws by failing to publish notification about the availability of nominations by email in *The Costumer*, the local's monthly print newsletter. Section 401(e) of the LMRDA provides that members be given a reasonable opportunity for the nomination of candidates and that an election of union officers must be conducted in accordance with the union's constitution and bylaws insofar as they are not inconsistent with the provisions of Title IV of the LMRDA. 29 U.S.C. § 481(e); 29 C.F.R. §§ 452.2, 452.55-59. Notice of nominations must be reasonably calculated to reach all members in good standing but need not necessarily be given at least 15 days before nominations are held. Notice of nominations is not required to be given by mail. 29 C.F.R. § 452.56(a).

Article 3, Section 1A of Local 705's constitution and bylaws states, "nominations for officers of this Local shall be held at the regular April meeting of the membership and notification of such order of business shall be published in the issue of *The Costumer* of the month previous, together with a listing of all offices to be open for nomination...." The investigation revealed that Local 705 published the nomination notice in the March 2021 edition of *The Costumer*, which it mailed to all members. The notice contained all relevant information, except how to nominate candidates via email. That process – for submitting email nominations by the April 11 deadline – was sent in a special email blast, posted on the local's social media accounts, posted on the local's website,

published twice in the local's weekly e-newsletter called The Thread, and announced at the April 10 nominations meeting.

During the investigation, union officials stated that both The Costumer and The Thread are acceptable means of communicating with members about the nominations process. Such officials further stated that Local 705's constitution and bylaws do not expressly prohibit the local from publishing information about nominations by methods other than The Costumer. The union's interpretation of its governing documents is not clearly unreasonable and, therefore, will be accepted by the Department. 29 C.F.R. § 452.3. Therefore, the fact that Local 705 informed members about the availability of nominations by email twice in The Thread, the local's weekly e-newsletter, instead of publishing that information in The Costumer, the local's monthly print newsletter, did not violate Local 705's constitution and bylaws. The LMRDA was not violated.

You also alleged that Local 705 violated its constitution and bylaws by extending the deadline for making nominations and, as a result, members were afforded the opportunity to submit nominations by email after the nominations meeting closed. Section 401(e) of the LMRDA provides that an election of union officers must be conducted in accordance with the union's constitution and bylaws. 29 U.S.C. § 481(e).

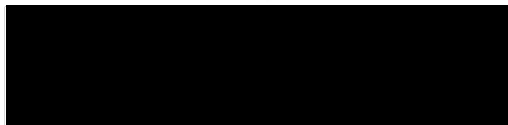
The investigation found that, due to the COVID-19 pandemic, the International permitted Local 705 to hold its April 10, 2021 nominations meeting virtually over Zoom and also directed Local 705 to accept nominations by email. As a result, Local 705 extended the nominations period to Sunday, April 11, 2021, at 11:59 p.m., approximately 36 hours after the April 10 nominations meeting ended. You asserted that, because members were permitted to submit nominations by email after the nominations meeting closed, a slate was able to nominate candidates for those offices that only had unopposed candidates at the close of that meeting. The investigation found, however, that members were not prevented from nominating any candidates by email during the 36-hour extension of the nominations period. The investigation found that all eligible members were afforded the same opportunity to make nominations or be nominated by email after the April 10 nominations meeting closed. The investigation further found that the local did not engage in discriminatory behavior regarding nominations made by email. No candidate or faction gained a political advantage over another candidate. The LMRDA was not violated.

Finally, you alleged that a candidate used the official union Instagram hashtag, "#mpc705," in campaign literature. You also alleged that a candidate used the union logo, and that another candidate used the local's Instagram account to aid them in their campaign efforts. Section 401(g) of the LMRDA prohibits the use of union funds or resources to promote the candidacy of any person in an election of union officers. 29 U.S.C. § 481(g); 29 C.F.R. §§ 452.73-77.


The investigation found that the hashtag “#mpc705” is not a proprietary trademark owned by Local 705 and, therefore, it is not a union resource. Instead, this hashtag is used in the public domain and accessible by anyone to track topics on Twitter, Facebook, Instagram, and Pinterest. Further, the hashtag is not an official union communication. Therefore, a candidate’s use of hashtag “#mpc705” on campaign materials did not involve the expenditure of funds in violation of section 401(g) of the LMRDA. The investigation further found that the union logo and its Instagram account were not used to promote the candidacy of any person in the election. The investigation found that no one was permitted to post comments on the local’s Facebook or Instagram accounts during the election period. The comment functions on the Facebook account were disabled during that period and only the local’s communications director had access to this account. The investigation further found that two candidates used their personal Instagram accounts to post campaign material but that these posts did not contain the official union logo or give the appearance of a union endorsement. Finally, the investigation found that a candidate made a posting on a personal Instagram account that contained the union’s logo but the posting only reminded members to vote and, therefore, did not promote the candidacy of any person in the election. The LMRDA was not violated.

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

Sincerely,



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Chief, Division of Enforcement

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