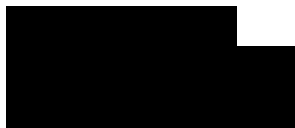




April 13, 2023



Dear [REDACTED]

This Statement of Reasons is in response to the complaint you filed with the United States Department of Labor (Department) on December 15, 2022. The complaint alleged that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA or Act), occurred in connection with the election of officers of the Graphic Communications Conference, International Brotherhood of Teamsters, Local 415-S, which was completed on September 10, 2022.

The Department investigated your allegations. As a result of the investigation, the Department has concluded that, with respect to each of your allegations, no violation occurred which may have affected the outcome of the election.

You alleged that nomination and election notices you and other members of Local 415-S received contained inaccurate information. Section 401(e) of the LMRDA requires a union to provide a reasonable opportunity for the nomination of candidates and notice of the election. Specifically, you allege that a posted nomination notice dated July 4, 2022, incorrectly stated that the nomination meeting would be held on Saturday, August 14, when the meeting was actually Sunday, August 14. The investigation found that a corrected notice was posted on July 28, 2022, 16 days prior to the nomination meeting. There was no violation.

You further allege that a special election notice incorrectly instructed voters to vote for one candidate for Lay Member of the board instead of two. The investigation found that this special notice was posted at 15 different plants on September 6, 2022, and incorrectly instructed members to "vote for one" Lay Member of the Board. A corrected notice was posted two days later, on September 8, 2022, and the corrected instruction "vote for two" was printed in a different color for emphasis. Moreover, the combined nomination and election notice that was mailed to all members correctly stated that two Lay Members of the Executive Board were among the offices to be filled. There was no violation.

Additionally, you alleged that the printer did not provide an official ballot count and the Union did not properly control the flow of voters or safeguard the ballot box, ballots, or union offices on election day. You stated that no proper ballot reconciliation was conducted. Section 401(c) of the LMRDA requires a union to provide adequate safeguards to ensure a fair election. The investigation found that Central Printers and Graphics printed 507 ballots. Two bundles of 250 ballots were mailed to the Union. Each bundle had 1 additional ballot marked "VOID" taped to the top. There were 5 ballots maintained in a folder at the printer's office. The Department's review of the election records confirmed that 149 ballots were used in the election (147 voted and 2 challenged). There were 351 unused ballots, 250 in a sealed bundle and 101 loose. No ballots were unaccounted for, and the Department found no evidence of ballot fraud or tampering. There was no violation.

Finally, you alleged that you were not permitted to have an observer at the polls. Section 401(c) of the LMRDA states that all candidates have the right to an observer at the polls and ballot tally. Specifically, you allege that during the nomination meeting you spoke to Sergio Franco (President) and Ernesto Vera (Secretary-Treasurer) and you stated that you wanted to have [REDACTED] as your observer, but they denied your request. The investigation found that a notice was sent to all candidates on August 16, 2022, explaining the process for requesting an observer. Candidates were required to submit the name of their observer to the Secretary-Treasurer by September 6, 2022. No candidate submitted the name of their observer by the deadline. Additionally, both you and [REDACTED] were present at the ballot tally as candidates. There was no violation.

Your additional allegations were determined to be either not within the scope of your complaint or not covered by the LMRDA. Section 402(a) of the LMRDA requires that union members exhaust the internal union remedies available to them under the constitution and bylaws of their labor organization before they may file a complaint with the Secretary. 29 U.S.C. § 482(a). Thus, allegations that were not properly exhausted with the union and those not covered by Title IV of the LMRDA were not investigated.

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, and I have closed the file in this matter.

Sincerely,

[REDACTED]

Tracy L. Shanker
Chief, Division of Enforcement

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