



September 7, 2023



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint that you filed with the United States Department of Labor on January 13, 2022, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the November 22, 2021 election of union officers held by Local 418 (local or Local 418), American Postal Workers Union, AFL-CIO (APWU).

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that no violation occurred that could have affected the outcome of the election.

You alleged that Local 418 failed to provide proper notice of nominations and a reasonable opportunity to nominate candidates by not maintaining an accurate mailing list and by not posting the nomination notice at all work site union bulletin boards. You also allege that you were denied the opportunity to submit a written nomination. Section 401(e) of the LMRDA requires that "a reasonable opportunity shall be given for the nomination of candidates[.]" 29 U.S.C. § 481(e). Accordingly, notice must be "timely [and] reasonably calculated to inform all members[.]" 29 C.F.R. § 452.56. While no specific method of notice is required, "[m]ailing the notice of nominations to each member's last known address within a reasonable time of the nomination meeting would satisfy this requirement." *Id.* That is what Local 418 did. The Department's investigation found that Local 418 mailed approximately 415 nomination notices to all members' last known home addresses on October 2, 2021, 15 days prior to the nomination meeting. Local 418 used the membership list provided by APWU National office as the mailing list for the nomination notice. The Local Election Committee (LEC) received approximately 5-10 undeliverable nomination notices and attempted to get updated addresses for each one. The local also posted the nomination notice in the union office window and on the union bulletin board at the main postal facility in Shreveport, LA. Given these circumstances, Local 418's mailing of the nomination

notice was timely and reasonably calculated to inform all members of the upcoming nomination meeting. No violation occurred.

Regarding your allegation that you were denied the opportunity to submit a written nomination, the investigation found that the Local received written nominations from members ██████████, Jennifer Chembles, ██████████, and Bennie Parrish. Both ██████████ and Chembles mailed their nominations to the Union's P.O. Box, which was identified on the return envelope of the nominations notice. ██████████ and Parrish hand-delivered their nominations to Secretary-Treasurer Donna Williams on October 19, 2021. You provided a copy of your written nominations but did not provide any tracking information showing when and to where it was mailed. ██████████ also did not have any tracking information for her written nominations. President Jenie Frazier stated that she gave any written nominations received at the P.O. Box to the election committee. The investigation found no evidence that any written nominations received at the P.O. Box had been tampered with. Frazier also stated that you did not raise any issues with your written nominations when the nominations were read out at the nomination meeting on October 19, 2021. There was no violation.

You also alleged that Local 418 denied members the right to vote when it failed to prepare an accurate mailing list, resulting in members not receiving their mail ballot packages. You allege that members ██████████ and ██████████ had undeliverable ballot packages. Section 401(e) provides that every member in good standing has the right to vote for the candidate or candidates of their choice. 29 U.S.C. § 481(e). In a mail ballot election this requires, at a minimum, that a union take reasonable steps to maintain current mailing addresses for its members and to update known bad addresses. When ballot packages are returned as undeliverable, the union must take reasonable steps to update bad addresses and re-mail ballot packages to any updated addresses found. The Department's investigation found that the Local used the dues checkoff list dated October 20, 2021 to prepare and mail 494 ballot packages on October 30, 2021. The Local monitored the P.O. Box for undeliverable ballot packages from November 1-22, 2021. ██████████ ballot package was hand delivered to him because he refused to provide an updated address. The Local attempted to obtain an updated address for ██████████ but she did not respond to their inquiries. OLMS found four other undeliverable ballot package envelopes, two of which were empty and one of those two noted "sent new ballot." Based on its investigative findings, the Department found that the Local took reasonable steps to maintain an accurate mailing list and to obtain new addresses when ballot packages were returned as undeliverable. There was no violation.

You also allege that ineligible members were permitted to vote. Section 401(e) provides that every member in good standing has the right to vote for the candidate or candidates of their choice. 29 U.S.C. § 481(e). The investigation revealed that the dues

checkoff list which was used as the ballot mailing list contained the names of regular dues paying members, members who do not pay dues because of illness, injury or disciplinary action but are still permitted to vote, and supervisors who pay union dues but are not permitted to vote. Supervisors who were on the list were identified as such and were not mailed ballots. There was no evidence that ineligible members voted in the election. Accordingly, there was no violation.

You also allege that President Frazier was controlling and guiding LEC Chair [REDACTED] during the nomination meeting and that candidate qualifications were improperly applied. Section 401(e) provides that candidate qualifications must be reasonable and uniformly imposed. 29 U.S.C. § 481(e). Article 6, Section 3 of the Union's Bylaws states that nominations for division officers can only be made by members from that respective division. The APWU National Constitution, Article 10, Section 2(b) prohibits any member who holds a managerial position for a period of two weeks in a year from holding office at any level of the APWU. You stated that [REDACTED], a maintenance craft employee, nominated [REDACTED], a clerk craft employee, for the Clerk Craft Director position.

Regarding the Clerk Craft Director position, the investigation found that [REDACTED] determined that [REDACTED] was improperly nominated by [REDACTED] but chose not to invalidate his nomination or reopen nominations because she felt she would have had to reopen all nominations. The winning candidate for Clerk Craft Director was LaRonda Jackson with 55 votes. [REDACTED] lost, receiving 39 votes, and a third (properly nominated) candidate, [REDACTED], received 9 votes. Accordingly, even if all of [REDACTED] 39 votes went to [REDACTED], [REDACTED] would still have lost the election by 7 votes (Jackson 55 and [REDACTED] 48). So, while the local violated section 401(e) by permitting [REDACTED] to run for Clerk Craft Director, this violation did not have an effect on the outcome of the election. For the Department to seek to overturn an election there must be probable cause that a violation occurred that may have affected the outcome of the election. 29 U.S.C. § 482(b), (c)(2). Thus, there was no violation of the LMRDA that would provide a basis for litigation by the Department.

As part of your allegation that the local failed to properly apply candidate eligibility requirements, you stated that Donetra Parker was nominated by [REDACTED] but did not appear on the ballot. The investigation found that for the pay periods covering February 13, 2021, to March 12, 2021, Parker worked as a supervisor and was thus ineligible to run for office in the November 2021 election. There was no violation.

Your additional allegations were determined to be either not properly exhausted or not covered by the LMRDA.

For the reasons set forth above, it is concluded that there was no violation of Title IV of the LMRDA that could have affected the outcome of the election, and I have closed the file in this matter.


Sincerely,



Tracy L. Shanker
Chief, Division of Enforcement

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