



February 1, 2024



Dear [REDACTED]:

This Statement of Reasons is in response to your October 26, 2023 complaint filed with the U.S. 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 Screen Actors Guild - American Federation of Television and Radio Artists (SAG-AFTRA) Hawaii Local's election of officers, completed on August 21, 2023.

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

First, you alleged that Hawaii Local President Andrea Sikkink promoted her unofficial candidate slate by posting information to her Facebook group. You stated that you were denied the same campaign opportunity because you attempted to post your campaign image in the group, but it was never approved. You further alleged that Sikkink, who administers the Facebook group, uses it to share SAG-AFTRA news, making it a union resource. Section 401(c) prohibits disparate treatment of candidates for office, and Section 401(g) prohibits the use of union funds or resources to promote a candidate for office. 29 U.S.C. § 481(c), (g).

The investigation confirmed that Sikkink posted campaign material on the "Union Performers - Hawaii" Facebook group. The investigation revealed that the group was a private sub-page of Sikkink's personal Facebook account. The group's "About" section stated explicitly that it was "NOT officially affiliated with SAG-AFTRA or Actors Equity Association." Both members and non-members of the union were permitted to join, after answering three questions – about Hawaii residency, union membership, and interest in getting involved in Hawaii's film industry. The question about union membership also contained an acknowledgment that the group was not an official union page. According to Sikkink, the union disseminated official communications via email blasts, not through the Facebook page. The investigation did not find any evidence of Sikkink posting official communications in the "Union Performers - Hawaii" group. The investigation further found that you were able to post your slate's

campaign material to several other Facebook pages related to the acting industry, which was permissible for all candidates. The investigation revealed no disparate treatment between candidates or use of union resources to campaign. There was no violation.

Second, you alleged that Sikkink promoted her candidate slate through a post on Acting Coach ██████████' "Hawai'i Actors" Facebook group, and that when you posted your campaign literature in the group, it was removed, and you were blocked from the group. You further alleged that ██████████ endorsed Sikkink's slate through ██████████ own post on the group. You alleged that ██████████ is an employer, stating that ██████████ is an Acting Coach, Casting Director, and Casting Assistant. Section 401(c) prohibits disparate treatment of candidates for office, and Section 401(g) prohibits the use of employer funds to promote a candidate for office. 29 U.S.C. § 481(c), (g).

During an interview with the Department, ██████████ confirmed endorsing Sikkink's slate in a Facebook post in the "Hawai'i Actors" group. The Department's investigation established that the "Hawai'i Actors" group is a private sub-page of ██████████ Studios' Facebook page which includes union members and non-members, including agents, filmmakers, and anyone else with an interest in acting/actors. The Department found that Sikkink and ██████████ campaigned in ██████████ private Facebook group. And because ██████████ "Hawai'i Actors" group was a private Facebook group, there was no LMRDA requirement that you be permitted to join and post your own campaign materials on this group page. As mentioned above, you posted campaign material in other industry-related Facebook groups. Accordingly, the investigation revealed no disparate treatment between candidates. The Department's investigation further established that ██████████ is not an employer for purposes of Title IV of the LMRDA *See* 29 U.S.C. § 402(e). The investigation showed that ██████████ owns a business that provides acting lessons, but that ██████████ has no employees. As such, no employer funds were used to promote candidates in ██████████ Facebook group. There was no violation.

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


Sincerely,

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Tracy L. Shanker
Chief, Division of Enforcement

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