



March 12, 2024



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed with the Department of Labor (Department) alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 481-483, occurred in connection with the election of officers conducted by the United Association of Plumbers Local Union 704, on December 8, 2021.

The Department conducted an investigation into your allegations. As a result of the investigation, the Department concluded, with respect to your allegations, that there were no violations of the LMRDA that may have affected the outcome of the election.

You alleged that Business Agent Rob Williams used his union-issued cell phone to campaign against you. Section 401(g) of the LMRDA prohibits the use of union and employer funds to promote a candidate in a covered election. 29 U.S.C. § 481(g). You claimed that Williams made campaign telephone calls and sent campaign texts from his union cell phone. You also stated that you believed Williams may have called members to remind them to vote the day before the election. However, you were not able to identify any members who may have received calls or texts from Williams. During the Department's investigation, Williams denied using his union cell phone to campaign. He also stated that he did not call any members to remind them to vote. The Department reviewed Williams' cell phone records and found no suspicious calling or texting patterns during the election period, including the day of the election. The total number of calls made to or from Williams' phone during the week of the election was similar or equal to the total number of calls in other weeks reviewed. The total number of text messages sent/received from Williams' union-owned cell phone was not significantly higher than other billing periods. There was no evidence of a violation.

You also alleged that Williams used an employer's copier to print a campaign flyer that was mailed to Local 704 members and that this flyer improperly included a union logo ("logo" or "bug") issued by the Allied Printing Trades Council (APTC). Section 401(g)

prohibits the use of union and employer funds to promote a candidate in a covered election. 29 U.S.C. § 481(g). Specially, you alleged that Williams used a copier belonging to his personal company, Blackwater Gear, to print a campaign flyer that he sent to Local 704 members.

During the Department's investigation, Williams stated that Blackwater Gear did not own a copier or printer and that the campaign material was created on his wife's personal laptop and printed on his personal printer. Williams provided a signed, sworn statement to that effect and provided receipts showing that the flyers were folded at Staples and mailed to 400 members. Further, as part of its investigation, the Department analyzed whether Blackwater Gear was even an "employer" as defined by Section 3(e) of the LMRDA. 29 U.S.C. § 402(e). The Department found that Williams and Jason Watterworth, an organizer with Local 704, were co-owners of Blackwater Gear, a partnership that makes signs and prints tee-shirts. The investigation revealed that Williams founded the company in 2018 and registered it as a DBA/Co-partnership in the state of Michigan, but never hired anyone to work for Blackwater Gear. In addition to having no employees, Williams and Watterworth stated that Blackwater Gear had never sold any merchandise. The Department therefore concluded that Blackwater Gear was not an "employer" under the LMRDA. Accordingly, even if a Blackwater Gear copier was used to print the campaign flyer, this would not constitute an unlawful use of employer resources. There was no violation.

With regard to the use of a union logo, the investigation confirmed that Williams used an APTC logo (or "APTC bug") on his campaign flyer. The APTC owns the logo but permits printers with unionized employees to use the logo. The APTC officials acknowledged that there are restrictions on who receives access to the APTC logo and how it may be used. The Department's investigation revealed that to obtain the right to use the APTC bug, an employer must employ at least three employees who are covered by a collective bargaining agreement. Further, licenses to use the APTC bug are issued to each employer for a specific purpose. The Department's investigation established that Blackwater Gear was not a qualified licensee, as it had no employees who covered by a collective bargaining agreement. When interviewed, Williams acknowledged his misuse of the APTC bug.

Upon evaluating all the evidence, the Department determined that while Williams' use of the APTC bug on his campaign flyer likely violated the APTC's licensing requirements, it did not constitute a violation of section 401(g) that may have affected the outcome of the election. To the extent the APTC bug is considered a union resource, it would not be reasonable to conclude that the placement of the APTC bug on Williams' campaign flyer amounted to an endorsement of his candidacy for office. Any candidate could have worked with a printer licensed by the APTC to use the bug and could have included the APTC bug on a campaign flyer. Although Williams' use of the

APTC bug likely violated the APTC's licensing requirements, it did not violate Title IV of the LMRDA.

Sincerely,



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Chief, Division of Enforcement

cc: Mark McManus, General President
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