



January 15, 2010



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint that you filed with the United States Department of Labor ("Department") on June 16, 2009 alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 ("the Act"), as amended 29 U.S.C. §§ 481-484, occurred in connection with the election of officers for the New York Metro Area Postal Union (the "Local"), an affiliate of the American Postal Workers Union ("APWU"), completed on April 24, 2009.

The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded no violation occurred.

You alleged that the Local improperly ruled that you were ineligible to run for the office of president in the April election. The Department's investigation verified that the Local found you ineligible to run for office and that the decision was based on a reasonable interpretation of the Local's constitution.

Section 401(e) of the Act provides, among other things, that every member in good standing shall be eligible to be a candidate and to hold office subject to "reasonable qualifications uniformly imposed" and that covered elections shall be conducted in accordance with the constitution and bylaws of the union in so far as they are consistent with the provisions of the Act. *See* 29 U.S.C. § 481(e). Further, "the interpretation consistently placed on a union's constitution by the responsible union official or governing body will be accepted unless the interpretation is clearly unreasonable." *See* 29 C.F.R. § 452.3.

In this case, the investigation revealed that at the 2008 APWU National Convention the delegates passed a National Executive Board referred resolution which stated: "Any officer or former officer that has had a bond invoked and been found guilty pursuant to the APWU Constitution, shall be prohibited from ever running or holding any office at any level of the APWU where a bond is required." Bonding is required for the position

of local president for which you wanted to run. Moreover, Article 15 of the APWU Constitution provides for disciplinary measures for any subordinate body, including the Local that violates the terms of the APWU's constitution or bylaws. The investigation also revealed that a bond in the amount of \$6,104 had been invoked on you and that you had been found guilty by the Local's trial board of having falsely charged lost time to the Local while serving as the Local Coordinating Vice President. The membership voted to uphold the trial board's decision at the Local's June 2008 membership meeting. The APWU National Executive Board also upheld the decision in January 2009. You have appealed that decision to the National Convention Committee. That appeal is pending.

Despite your pending appeal, the Local's decision to declare you ineligible to run for the office of local president was based upon a reasonable qualification and reasonable interpretation of the Local and APWU's constitutions. The plain language of the resolution does not require that all appeals be exhausted; it simply requires the invocation of a bond, a guilty finding, and an office that requires bonding. The facts of your case met those requirements.


For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA, and I have closed the file on this matter.

Sincerely,

Cynthia M. Downing  
Chief, Division of Enforcement

cc: William Burrus, President  
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, Associate Solicitor for Civil Rights and Labor-Management