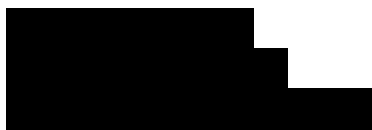




April 17, 2015



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint to the U.S. Department of Labor, received May 22, 2013, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the January 12, 2013 election of union officers held by National Postal Mail Handlers Union Local 305.

The Department of Labor conducted an investigation of each of your allegations. As a result of the investigation, the Department concluded that there was no violation of the LMRDA.

You alleged that Leslie Hamlett, candidate for Richmond Branch President, gained an unfair campaigning advantage for his slate when he used union documents to which he had access only by virtue of his office. Specifically, you alleged that Hamlett included in his campaign material a grievance settlement showing that you and another member of your slate received twice the settlement amount that thirty- two other members received.

The investigation revealed that it is the local's past practice to post grievance settlements on the union's bulletin boards at the Richmond facility. Hamlett stated that upon taking office, he found a bin containing numerous settlement grievances; he posted those documents, including the settlement award in question, on the union's bulletin boards. Given that the settlement award was in the public domain at the Richmond facility, there was no unfairness in Hamlett's access to or use of the document. There was no violation.

You alleged that Hamlett used union funds to promote his candidacy and that of his slate when he photocopied the document described above using union copiers and union stationery. Section 401(g) prohibits the use of union funds to promote any

person's candidacy. This prohibition extends to the use of a union's equipment, among other things, to assist candidates in campaigning. 29 C.F.R. § 452.76.

This allegation was not substantiated. Hamlett stated that he created his campaign material on his home computer, using his own scanner and three printers to print all copies. He denied using any union equipment for campaigning purposes. The investigation did not disclose and you did not provide any evidence to the contrary. There was no violation.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred. Accordingly, the office has closed the file in this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: John F. Hegarty, National President
National Postal Mail Handlers Union
1101 Connecticut Avenue NW, Suite 500
Washington, DC 20036

Kevin Fletcher, President
NPMHU Local 305
4907 Fitzhugh Avenue, Suite 100
Richmond, Virginia 23230

Christopher B. Wilkinson, Associate Solicitor
Civil Rights and Labor-Management Division



April 17, 2015



Dear [REDACTED]:

This Statement of Reasons is in response to your April 24, 2013 complaint to the U.S. Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA), occurred in connection with the January 12, 2013 election of union officers held by Local 305 National Postal Mail Handlers Union.

The Department of Labor conducted an investigation of each of your allegations. As a result of the investigation, the Department concluded that there were no violations that may have affected the outcome of the election.

You alleged that the incumbent local president used union funds to promote his slate. Specifically, you alleged that Local 305 President Kevin Fletcher, while being paid by the union and during working hours, may have used a union BlackBerry to transmit an attached campaign statement to over 60 union members and officers.

Section 401(g) prohibits the use of union funds to promote any person's candidacy. This prohibition extends to the use of union equipment and resources, including union-provided BlackBerrys and similar devices. *See* 29 C.F.R. § 452.76. The investigation disclosed that Local 305 does not issue a BlackBerry to its president. Consequently, there was no violation of the LMRDA.

You alleged that Richmond Branch President Leslie Hamlett, while on time paid for by the union, campaigned to two members at the Richmond facility. Section 401(g) prohibits the use of employer resources to promote any person's candidacy. You did not witness the event you described here. Further, the two members you identified as witnesses refused to meet with Department investigators. Since you identified no one else who witnessed such campaigning, and Branch President Hamlett denied this allegation, there was no evidence that such campaigning occurred. There was no violation.

You alleged that incumbent Baltimore Branch presidential candidate, [REDACTED], collected, voted and mailed ten ballots to the election committee's post office box. Section 401(c) of the LMRDA provides, in relevant part, that adequate safeguards to ensure a fair election shall be provided. Such safeguards are not required to be included in a union's constitution and bylaws, but they must be observed; thus, although a union has a wide range of discretion in conducting its elections, that discretion is circumscribed by a general rule of fairness. 29 C.F.R. § 452.110.

The investigation disclosed that [REDACTED] found ten envelopes containing voted ballots in his correspondence box at Local 305's office. [REDACTED] had access to those ten ballots, in violation of the adequate safeguards provision. He mailed the ballots by express mail to a post office box designated for voted ballots. These ten ballots were included in the tally. The inclusion of these ballots violated the adequate safeguards provision. However, the violation did not affect the outcome of the election for Baltimore Branch President, because the fourteen-vote margin of victory for that office exceeded the ten ballots deposited in the correspondence box. There was no violation that may have affected the outcome of the election.

You alleged that the local failed to provide members who requested a duplicate ballot sufficient amount of time to vote and return those ballots, thereby denying those members the right to vote. Ballots were mailed on December 21, 2013; the tally date was January 12, 2014.

The investigation disclosed that duplicate ballots were available upon request as of December 27, 2013, by telephone, telefax, mail or in person. The investigation further disclosed that the election committee honored duplicate ballot requests on the day of the request; even late requests were honored as quickly as the following day. The local's duplicate ballot procedure was fair. There was no evidence of lack of diligence in responding to duplicate ballot requests or of the election committee failing to timely honor duplicate ballot requests. No specific instance of the union's failure in this regard was alleged. There was no violation.

You alleged that Local 305 Recording Secretary Derrick Carr campaigned at the entrance to the Southern Maryland postal facility. The election rules regarding campaigning permitted candidates to campaign at the employer's facilities as long as campaigning occurred outside the building, itself and was directed to members who were not working at the time campaigning occurred.

The investigation disclosed that Carr distributed campaign letters to members leaving or entering the postal facility. Carr was not on time paid for by the union while campaigning, nor were the members to whom he campaigned on time paid for by the employer. There was no violation.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred that may have affected the outcome of the election. Accordingly, the office has closed the file in this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: John F. Hegarty, National President
National Postal Mail Handlers Union
1101 Connecticut Avenue NW, Suite 500
Washington, DC 20036

Kevin Fletcher, President
NPMHU Local 305
4907 Fitzhugh Avenue, Suite 100
Richmond, Virginia 23230

Christopher B. Wilkinson, Associate Solicitor
Civil Rights and Labor-Management Division



April 17, 2015

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your complaint to the U.S. Department of Labor, received May 3, 2013, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA), occurred in connection with the January 12, 2013 election of union officers held by National Postal Mail Handlers Union Local 305.

The Department of Labor conducted an investigation of each of your allegations. As a result of the investigation, the Department concluded that there were no violations that may have affected the outcome of the election.

You alleged that the incumbent local president used union funds to promote his slate. Specifically, you alleged that Local 305 President Kevin Fletcher, while being paid by the union and during working hours, may have used a union BlackBerry to transmit an attached campaign statement to over 60 union members and officers. Section 401(g) prohibits the use of union funds to promote any person's candidacy. 29 U.S.C. § 481(g). This prohibition extends to union officers' and union employees' use of union equipment and resources, including union-provided BlackBerrys and similar devices. See 29 C.F.R. § 452.76. The investigation disclosed that Local 305 does not issue a BlackBerry to its president. Consequently, there was no violation of the LMRDA.

You alleged that incumbent Baltimore Branch President candidate [REDACTED] collected, voted and mailed ten ballots to the election committee's post office box. Section 401(c) of the LMRDA provides, in relevant part, that adequate safeguards to ensure a fair election shall be provided. Such safeguards are not required to be included in a union's constitution and bylaws, but they must be observed; thus, although a union has a wide range of discretion in conducting its elections, that discretion is circumscribed by a general rule of fairness. 29 C.F.R. § 452.110.

The investigation disclosed that [REDACTED] found ten envelopes containing voted ballots in his correspondence box at Local 305's office. [REDACTED] had access to those ten ballots, in violation of the adequate safeguards provision. He mailed the ballots by express mail to

a post office box designated for voted ballots. These ten ballots were included in the tally. The inclusion of these ballots violated the adequate safeguards provision. However, the violation did not affect the outcome of the election for Baltimore Branch President, because the fourteen-vote margin of victory for that office exceeded the ten ballots deposited in the correspondence box. There was no violation that may have affected the outcome of the election.

You alleged that incumbent candidates had access to blank ballots in the election committee's office. Although the election committee office was on the same floor as that of the local's offices, the election committee chair arranged for a company to change the lock on the election committee's door, the only entrance to that room. Only two keys were issued for that lock; both keys were held by a member of the election committee. No local officer or candidate had access at any time to the election committee's room where blank ballots were stored. There was no violation.

You alleged that the local held its election during the holidays in order to disenfranchise members. Neither the local bylaws nor the national constitution specify the month in which an election must be held. The local, however, has a past practice of holding its elections in or around January. For this election, members had twenty-two days from the mailing of the ballots on December 21, 2012, to return their voted ballot by January 12, 2013. This was a sufficient amount of time within which members could return their ballots, even had they been on leave for a portion of that time. There was no violation.

You alleged that incumbent candidates may have voted the ballots of members who did not request a duplicate ballot. The investigation disclosed that the election committee maintained a log of all duplicate ballot requests. The log showed the requestor's name, address, the date the request was made, and the date the duplicate ballot was mailed. A review of the voted ballots, the log and other election records showed no evidence of ballot fraud. There was no violation.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred that may have affected the outcome of the election. Accordingly, the office has closed the file in this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: John F. Hegarty, National President
National Postal Mail Handlers Union
1101 Connecticut Avenue NW, Suite 500
Washington, DC 20036

Kevin Fletcher, President
NPMHU Local 305
4907 Fitzhugh Avenue, Suite 100
Richmond, Virginia 23230

Christopher B. Wilkinson, Associate Solicitor
Civil Rights and Labor-Management Division



April 17, 2015



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint to the U.S. Department of Labor, received May 10, 2013, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the January 12, 2013 election of union officers held by Local 305 National Postal Mail Handlers Union.

The Department of Labor conducted an investigation of each of your allegations. As a result of the investigation, the Department concluded that there were no violations that may have affected the outcome of the election.

You alleged that the incumbent local president used union funds to promote his slate. Specifically, you alleged that Local 305 President Kevin Fletcher, while being paid by the union and during working hours, may have used a union BlackBerry to transmit an attached campaign statement to over 60 union members and officers. Section 401(g) prohibits the use of union funds to promote any person's candidacy. This campaign prohibition extends to union officers and union employees in the use of a union's equipment and resources, including its email addresses, among other things. *See* 29 C.F.R. § 452.76. The investigation disclosed that Local 305 does not issue a BlackBerry to its president. Consequently, there was no violation of the LMRDA.

The investigation disclosed that the union does not provide its president with a union-issued BlackBerry. However, a campaign email that Fletcher created and transmitted on December 24, 2012, using his daughter's personal computer, displayed a notice to recipients that the email was "from my BlackBerry." Fletcher cannot explain the notation and denies using any BlackBerry to email that campaign message. The investigation further disclosed that Fletcher transmitted the email, with an attached campaign letter authored by a member of his slate, to 57 members; one of the recipients had a union email address. Fletcher collected the other 56 email addresses on his own time using legitimate methods to obtain those addresses. Although Fletcher did not use

union equipment and was not on time paid for by the union when he created the campaign email, the transmission of Fletcher's campaign email and attachment to that one union email address violated section 401(g) because that email address was a union resource, and therefore constituted a use of union funds. However, there was no violation that may not have affected the outcome of the election for any office because the lowest margin of victory was for Southern Maryland Branch President, which was won by thirteen votes.

You alleged that incumbent candidates had access to blank ballots in the election committee's office. Section 401(c) of the LMRDA provides, in relevant part, that adequate safeguards to ensure a fair election shall be provided. Such safeguards are not required to be included in a union's constitution and bylaws, but they must be observed; thus, although a union has a wide range of discretion in conducting its elections, that discretion is circumscribed by a general rule of fairness. 29 C.F.R. § 452.110. Although the election committee's office was on the same floor as that of the local's offices, the election committee chair arranged for a company to change the lock on the election committee's door, the only entrance to that room. Two keys were issued for that lock, both held at all times by a member of the election committee. No local officer or candidate had access at any time to the election committee's room where blank ballots were stored. The local provided adequate safeguards to ensure the security of blank ballots, thus ensuring a fair election. There was no violation.

You alleged that the local held its election during the holidays in order to disenfranchise members. Neither the local bylaws nor the national constitution specify the month in which an election must be held. The local, however, has a past practice of holding its elections in or around January. For this election, members had twenty-two days from the mailing of the ballots on December 21, 2012, to return their voted ballot by January 12, 2013. This was a sufficient amount of time within which members could return their ballots, even had they been on leave for a portion of that time. There was no violation.

You alleged that incumbent candidates may have voted duplicate ballots for members who did not really request one. The investigation disclosed that the election committee, not the incumbent candidates, maintained a log of all duplicate ballot requests. The log showed the requestor's name, address, the date the request was made, and the date the duplicate was mailed. The election records showed no evidence of ballot fraud. There was no violation.

You alleged it was unreasonable for the election committee chair to refuse to include in his tally approximately seven ballots, collected by a member and mailed in a single envelope to the election committee chair's post office box. The election committee chair's decision not to include those seven ballots in the tally was not unreasonable. The union must provide adequate safeguards to insure a fair election. Collecting the

ballots of others opens the door to ballot tampering or ballot fraud and does not provide for the safeguards the LMRDA intends. There was no violation.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred. Accordingly, the office has closed the file in this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: John F. Hegarty, National President
National Postal Mail Handlers Union
1101 Connecticut Avenue NW, Suite 500
Washington, DC 20036

Kevin Fletcher, President
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