



August 19, 2015

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on February 17, 2015 alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of union officers conducted by the National Postal Mail Handlers Union (National), Local 301, on December 10, 2013.

The Department of Labor conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to the specific allegations, that there was no violation of the Act that may have affected the outcome of the election. Following is an explanation of this conclusion.

You alleged that the winning candidate for president, Rene Morrisette, and the winning candidate for vice president, Hiram Velez, violated the Supplemental Rules for the Election of Officers (Supplemental Rules) issued by the Election Judge on October 26, 2013, when they campaigned inside the cafeteria at a postal facility where they were not employed. Section 401(e) of the LMRDA requires a union to conduct its election of officers in accordance with its constitution and bylaws. 29 C.F.R. §§ 452.2, 452.109. The investigation disclosed, however, that the Supplemental Rules are not part of the Local 301 bylaws or the National constitution. Therefore, 401(e) of the LMRDA would not have been violated, even if Morrisette and Velez campaigned at the Brockton postal facility in the cafeteria, a non-work area. Further, the investigation did not disclose any evidence that they campaigned in work areas or on work or union time, or that you, the incumbent vice president, or any other candidates attempted to campaign inside the Brockton postal facility but were denied access to that facility. The LMRDA was not violated.

You next alleged that a union steward at a Providence postal facility campaigned for Morrisette and Velez while the steward escorted the candidates through the facility. Section 401(g) of the Act prohibits the use of union funds or employer funds to promote the candidacy of any person in an election of union officers. Thus, union officials may

not campaign on time that is paid for by the union or by an employer. 29 C.F.R. §§ 452.76; 452.78. The investigation disclosed that, while the chief steward was escorting Morrisette and Velez through the workroom floor at a Providence postal facility, the chief steward approached a member, [REDACTED], and told [REDACTED] that the Providence postal facility was supporting Morrisette and Velez. The chief steward solicited [REDACTED]' support for Morrisette and Velez and asked him to drum up support for the candidates at the Brockton postal facility where [REDACTED] was formerly assigned. The investigation disclosed that the chief steward was being paid by the union or by the employer when this incident occurred. Thus, section 401(g) of the LMRDA was violated, in that union funds or employer funds were used to promote the candidacies of Morrisette and Velez during this incident.

However, the investigation disclosed that the chief steward's campaign effort inside the Providence postal facility was an isolated incident and was limited to [REDACTED]. [REDACTED] did not solicit votes on behalf of Morrisette or Velez, or any other candidate. Morrisette won the election for president by a margin of 34 votes, and Velez won the election for vice president by a margin of 63 votes. Thus, [REDACTED] one vote could not have affected the outcome of the election, as is required by section 402(c) of the LMRDA before a court declares an election void. There was no violation of the LMRDA that may have affected the outcome of the election

Finally, you alleged that [REDACTED] while he was on paid employer time, handed out and posted campaign literature on the workroom floor that criticized you. The investigation disclosed that on November 13, 2013, [REDACTED], a union steward, distributed and posted campaign materials on the workroom floor while being paid by the employer. Thus, such campaigning involved the use of employer funds, in violation of section 401(g) of the LMRDA. However, the investigation disclosed that, of the members who may have been exposed to the unlawful campaigning, at the most, 56 of them voted in the election. The campaign materials were critical of you, the incumbent [REDACTED], and did not mention any other candidates. You were defeated in the race for [REDACTED] by a margin of 63 votes. Therefore, the votes cast by those members who may have been exposed to the unlawful campaigning could not have affected the outcome of the election for [REDACTED]. There was no violation of the LMRDA that may have affected the outcome of the election.

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

Sincerely,

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Acting Chief, Division of Enforcement

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