



May 13, 2016

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint to the Department of Labor, received November 30, 2015, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred in connection with the May 15, 2015 election of union officers held by Local 497 (local or Local 497), American Postal Workers Union (National).

The Department of Labor (Department) conducted an investigation 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 in two instances, [REDACTED] for Maintenance Craft Director (MCD), used Local 497's funds to promote his candidacy. Specifically, you alleged that [REDACTED] used craft maintenance reports, dated April 22 and June 2, 2015, as campaign material to promote his candidacy. Section 401(g) of the LMRDA prohibits unions from expending union funds to promote any person's candidacy. 29 U.S.C. § 401(g). This prohibition forbids a union and its officers from showing a preference through the use of any of its union-financed publications to praise or criticize any candidate. See 29 C.F.R. § 452.75. Excluded from this prohibition is the publication of articles that are of interest to members.

The investigation disclosed that it is the MCD's responsibility to produce, publish and distribute maintenance reports, which include matters of interest to maintenance craft members, including the status of current and pending arbitrations and the monetary amount, if any, won by the grievant. The investigation disclosed the two reports at issue were consistent with thirteen past maintenance reports and were not political in nature. The April 22nd report involved custodial seniority rights in which seven arbitration cases were successful, leading to monetary awards. The report focused on the type of positions that were won, and the basis for and amount of the monetary awards, which are of legitimate interest to all members in the maintenance craft, regardless of the

location of the maintenance craft facility. Similarly, the June 2nd report was also newsworthy and devoid of any language promoting the candidacy of any individual. The report informed members of existing disputes with the employer, the nature of the dispute, the grievances filed and settlement amounts where applicable. This is vital information for maintenance craft members. The maintenance reports did not constitute campaign material because they were not promotional. There was no violation.

You alleged that the MCD posted arbitration reports for campaign purposes at the Springfield facility. You asserted that the MCD scheduled arbitrations for maintenance craft members to coincide with the local's election. As noted above, section 401(g) prohibits the use of union funds to promote any person's candidacy. ██████ admitted making photocopies of arbitration reports and distributing them in a room known as "the bubble room." The investigation disclosed that arbitration reports are usually distributed in common areas such as break rooms; at least 80 members either work or take their breaks in the bubble room. The investigation also revealed that once a grievance progressed past Step 1, it falls under the purview and ownership of the union. The Department reviewed six arbitration reports taken from the Springfield facility. The dates of all awards were between April 10, 2015 and April 13, 2015. Consistent with his past practice, ██████ did not post the reports until April 22, 2015, after the awards had been processed through payroll. The arbitration reports did not constitute campaigning because those reports were not promotional. 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,

Sharon Hanley
Chief, Division of Enforcement

cc: Mark Dimondstein, National President
American Postal Workers Union, AFL-CIO
1300 L Street, NW
Washington, DC 20005

Christopher Morrison, President
APWU Local 497
1124 Berkshire Avenue
Springfield, MA 01151

Beverly Dankowitz
Acting Associate Solicitor
Civil Rights and Labor-Management