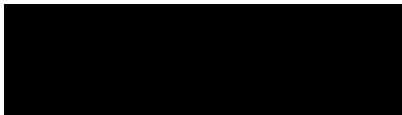




December 1, 2016



Dear [REDACTED]

This Statement of Reasons is in response to your complaint filed with the U.S. Department of Labor on September 6, 2016. Your complaint alleges that a violation of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of officers of American Postal Workers Union (APWU), AFL-CIO, Local 732, conducted on May 14, 2016.

The Department of Labor conducted an investigation of your allegation. As a result of the investigation, the Department has concluded that there was no violation of the LMRDA that may have affected the outcome of the election.

You alleged that Local 732 violated the LMRDA by permitting [REDACTED], a retired union member, to be a candidate for the Bulk Mail Center (BMC) Clerk Craft Director in violation of Local 732's constitution and bylaws. Section 401(e) of the LMRDA provides that every member in good standing shall be eligible to be a candidate and to hold office, subject to reasonable qualifications uniformly imposed. Section 401(e) further 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 APWU Constitution, Article 3, Section 4B, and the Local 732 bylaws, Article 4, Section 4, provide that "[m]embers of the union who retire from employment in an APWU bargaining unit may retain full membership with all rights of such membership by continuing to pay per capita taxes to the APWU plus whatever dues may be required by their local union." Article 9, Section 4, of Local 732's bylaws states that candidates for craft office must be members of the craft in which they seek such positions, and they are to be elected only by members of the craft. That section further states that candidates for BMC office must be employed at the Dallas BMC.

The Department's examination of [REDACTED] union dues payments showed that he continued to pay full union dues, in the amount of \$24.68 per pay period, both before

and after retiring. This amount reflected dues paid to the local and national union. Further, the Department confirmed that [REDACTED] had worked at the Dallas BMC in the clerk craft prior to retiring. Therefore, [REDACTED] was eligible to run for Clerk Craft Director.

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 on this matter.

Sincerely,

[REDACTED]

Sharon Hanley
Chief, Division of Enforcement

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