



February 10, 2016



Dear [REDACTED]:

This Statement of Reasons is in response to your August 11, 2015 complaint filed with the U.S. Department of Labor, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), as made applicable to elections of federal sector unions by Section 7120 of the Civil Service Reform Act of 1978 (CSRA), occurred in connection with the April 17, 2015 election of officers of American Federation of Government Employees, Local 1410. All offices were won by acclamation. On the April 17, 2015 deadline for nominations, the union had received one valid nomination for each of the four different officer positions. Appendix A, Section 1(d) of the AFGE Constitution prohibits write-in candidates in local officer elections. Thus, the four nominees were elected by acclamation.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to each of your specific allegations that no violation occurred that may have affected the outcome of the election by acclamation.

First, you alleged that Local 1410 members were not provided adequate notice of nominations. Specifically, you alleged that not all members were aware of the nominations; that some members received incomplete information regarding nominations; that instead of the mailed nominations notice, some members received empty envelopes; and that the only written communication regarding the nominations was a mailing.

Section 401(e) of the LMRDA requires that members have a reasonable opportunity to nominate candidates prior to an election. The Department's regulations provide that nomination notices "may be given in any manner reasonably calculated to reach all members in good standing and in sufficient time to permit such members to nominate the candidates of their choice." 29 C.F.R. § 452.56. The LMRDA does not require that a union use multiple methods to provide notice of nominations nor does the LMRDA

prescribe particular forms of nomination procedures. What is required is that the method used be reasonable and conform to the organization's constitution and bylaws calculated to inform members. To satisfy this requirement, a union, as was done here, may mail such notice to members' last known home addresses within a reasonable time prior to the nominations deadline.

The Department's investigation found that on March 31, 2015, the Election Committee mailed a nomination package, comprised of a combined nomination and election notice, a nomination form, and a return envelope, to members' last known mailing addresses. The March 15 mailing was more than two weeks prior to the April 17, 2015 date that nominations were due. Furthermore, the investigation showed that the Local's treasurer regularly updated the Local's membership address list and contacted members to update their home addresses as needed. The union mailed 1,010 nomination packages mailed; only 47 were returned undeliverable. The union's notice of nominations procedure was reasonably calculated to inform members of nominations. The union provided adequate notice of nominations. With regard to your concerns about the notice of election, the election was completed by acclamation on April 17, the deadline for submitting nominations. Consequently, a further election was not required, and any issues surrounding the election notice are moot.

With regard to your claim that some members did not receive all of the information regarding nominations, the investigation found that you and several members acknowledged receiving the nomination package by mail. Although one member indicated that her nomination package was missing the nomination form, she did receive the nomination notice, which included a description of the nomination process as well as contact information for the Election Committee. One member did not receive a nomination package because she had moved, but contacted the Chair of the Election Committee to request one. With respect to this member the union properly mailed the notice to the last known address on file with the union. In any event, this member was able to self-nominate prior to the nominations deadline and was eventually appointed to the position for which she sought election. Two members indicated that they did not receive a nomination package or received an empty envelope; however, one did not indicate a desire to nominate anyone, and one stated that she would have nominated ██████████ for President. The investigation found that ██████████ was not interested in running for President and would have declined a nomination. There was no evidence that any individual mailing deficiencies affected the outcome of the election.

You alleged that the nomination process was confusing and not straightforward. The investigation determined that the Election Committee made a good faith effort to provide Local 1410 members with all pertinent information regarding the nominations process in a clear and concise manner. The nomination notice instructed that nominations would be accepted by mail only and indicated the information required to be submitted with each nomination. The notice also stated that candidates were required to accept nominations by submitting a written acceptance to the Election Committee; that the member making the nomination has the responsibility of informing

the nominee of his or her nomination; and that nominations may also be made by completing the nomination form included with the notice. The investigation showed that the nomination notice provided the address to which nominations should be sent, the date on which they were due, and the phone numbers and email addresses of the Election Committee.

Additionally, you alleged that members were denied the ability to nominate multiple members. The investigation established that members were not prohibited from nominating multiple members. The nominations notice did not state that members could only make one nomination, that they could not photocopy the nomination form, or that the nomination form was required in order to make or accept a nomination.

You alleged that the Election Committee improperly required the person being nominated to accept the nomination in writing by the nominations deadline. The investigation revealed that the notice was sent more than two weeks prior to the date nominations were due, and the requirement that the nominee accept the nomination in writing by the nominations deadline was clearly indicated on the mailed nomination notice. Additionally, the investigation found that the notice permitted candidates to accept nominations either by completing and signing the bottom portion of the nomination form included with the mailing, or by submitting a separate, written acceptance to the Election Committee.

The process for making nominations provided members with a reasonable opportunity for making nominations. There was no violation.

Finally, you made several other allegations that were not timely filed with the union. Section 402(a) of the LMRDA requires that union members exhaust the internal union remedies available to them under the constitution and bylaws of their labor organization before they may file a complaint with the Secretary. Thus, those allegations are not properly before the Department. 29 C.F.R. § 452.136(b-1). Additionally, you made allegations that, even if true, would not violate requirements of Title IV of the LMRDA. These allegations were not investigated.

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

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

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