



January 12, 2017



Dear [REDACTED]

This Statement of Reasons is provided in response to the complaint you filed with the Department of Labor on March 14, 2016. The complaint alleged that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA), as made applicable to elections of federal sector unions by 29 C.F.R. § 458.29 and the Civil Service Reform Act of 1978, occurred in connection with the election of union officers for the American Federation of Government Employees (AFGE) Local 3020 conducted on January 4, 2016.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that no violation occurred that was no affecting the outcome of the election.

You alleged that the union failed to post nominations notices. Section 401(e) of the LMRDA requires a union to provide reasonable opportunity for the nomination of candidates for office. To meet this requirement a union must give timely notice reasonably calculated to inform all members of the offices to be filled and the time, place, and form for submitting nominations. The Act does not require posting of the nominations notice. The Department of Labor investigation revealed that the union mailed notice of the nominations to members. Proper mailing of the nominations notice would satisfy the Act's requirement that the union provide a reasonable opportunity for the nomination of candidates for office. However, you alleged that the union used a defective mailing list to send notices to members. The investigation revealed that the local's mailing list was regularly updated and maintained. Only a few members did not receive the mailed nominations notice. Moreover, there is no evidence that any one who wanted to be nominated was not because the individual was unaware of nominations. The LMRDA requires only that the nominations notice be "reasonably calculated to inform all members" of the nominations meeting. The Local provided a reasonable opportunity for nominations. Therefore, there was no violation.

Second, you alleged that the post office box designated for the receipt of voted ballots was closed for a period of time during the election. Section 401(c) of the LMRDA requires a union to provide adequate safeguards to insure a fair election. The investigation confirmed that the post office box was in fact closed for a few weeks during the election due to an error by the U.S. Postal Service. The Local rectified this error by extending the deadline to return ballots, notifying members of the extended deadline, and notifying members about how to request a replacement ballot if they had concerns about whether their ballot was properly received and counted. Any violation of the LMRDA was remedied by the Local's actions.

Finally, you alleged that your request for a campaign mailing was ignored until ballots had already been mailed. Section 401(c) of the LMRDA directs a union to comply with a candidate's reasonable request to distribute campaign mail at the candidate's expense and to refrain from discriminating in favor of or against a candidate with respect to use of member lists. The investigation revealed that prior to the mailing of the ballots, the election chairperson instructed you on the procedure for conducting a campaign mailing, and that there was sufficient time to follow the procedures in order to have campaign literature mailed before the mailing of the ballots. You expressed certain concerns about the procedures in a discussion with the election committee chair. The investigation revealed that you then chose not to comply with the procedure and decided not to send your campaign material for mailing. You said you did not want to send a blank check with your campaign literature. Accordingly, there was no violation.

For the reasons set forth above, there is insufficient evidence that any violation may have occurred that affected the outcome of the election. Accordingly, the office has closed the file on this matter.

Sincerely,

A solid black rectangular redaction box covering the signature of Sharon Hanley.



Sharon Hanley
Chief, Division of Enforcement

cc: J. David Cox, National President
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Beverly Dankowitz, Associate Solicitor for Civil Rights and Labor-Management

bcc: PHIPGHDO DIS File: 140-6007185(01)
OLMS/DOE/KING/FPB N-5119/202-693-1243/December 1, 2016

Initials				
Date	12/01/16	1/12/2017		
Last Name	KING	HANLEY		
Title	DOE Inv.	DOE Chief		

Case String: 140600718501 LM: 541487 DOE Number: 8936