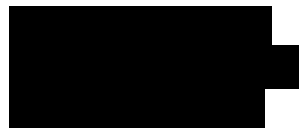


U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



July 14, 2017



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on March 6, 2017, 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 Local 908, International Brotherhood of Teamsters (Teamsters), on November 5, 2016.

The Department of Labor (Department) 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.

You made several allegations which implicate the requirement of Section 401(c) of the LMRDA that a union provide adequate safeguards to ensure a fair election, including the right to have an observer at the polls and the counting of the ballots. The adequate safeguards requirement has been interpreted to require that a union's conduct of its election be circumscribed by a general rule of fairness. 29 C.F.R. § 452.110.

Initially, you alleged that approximately 12 individuals were permitted to vote without showing identification. The union's constitution and bylaws are silent regarding whether voters must show identification to vote. During the election, however, voters were informed that they would be required to show identification and sign the voter sign-in register before they could receive a ballot and vote. The election worker responsible for checking voter identification stated during the investigation that she inadvertently failed to check the identifications of the first three voters. After this mistake was brought to her attention by members waiting in line to vote, she compared the signatures of the first three voters on the voter sign-in register with their signatures in union records. Based on this comparison, the election worker concluded that the signatures on the register matched those in the union records. The Department's review of the register and records substantiated that conclusion. During the remainder of the voting, the election worker required all voters to show identification and to sign

the voter sign-in register before they were given ballots and permitted to vote. Further, the Department's investigation found no evidence that any ineligible members voted. The LMRDA was not violated.

Next, you alleged that an observer of the incumbent slate was permitted to ride along with an election worker as the worker drove to the post office to pick up the absentee ballots for counting, but your observer was not afforded that opportunity. The investigation found that your observer was offered an opportunity to ride along with the election worker to the post office to retrieve the absentee ballots for counting, but the observer declined the offer. The LMRDA was not violated.

In addition, you alleged that members of the incumbent slate were permitted to remain inside the tally site while the election workers reviewed the challenged ballots, but the members of and observers for your slate were required to leave that site during the review process. The investigation disclosed that the election worker asked candidates and observers from both slates to leave the tally site while he met briefly with his staff to discuss how they would handle the process for resolving challenged ballots, and that everyone was allowed back in the room when it was time to begin reviewing challenged ballots. The incumbent officers left the tally room and went to their offices, which were located at the union hall. Your slate members and observers waited outside the hall. All observers were prevented from accessing the tally room while the election workers obtained sufficient information to resolve the ballots. As a result, the voted ballots were not adequately safeguarded but left alone and unsecured in the tally room with no candidate observers present. In addition to requiring the union to provide adequate safeguards, section 401(c) of the LMRDA provides for a candidate's right to have an observer at the polls and at the counting of the ballots. Therefore, the LMRDA was violated when the voted ballots were left alone and unsecured in the tally room with just the election workers. However, the investigation did not disclose any evidence of fraud or other election impropriety. There was no violation of the LMRDA that may have affected the outcome of the election.

You also alleged that several of your supporters were prevented from congregating in the parking lot area at the polling site after they voted, but supporters of the incumbent slate were permitted to do so. The investigation disclosed that, on the day of the election, members were permitted to congregate in the parking lot at the polling site during polling hours. The investigation further disclosed that several of your supporters congregated inside a recreational motor vehicle while the vehicle was parked in the lot during these hours. The LMRDA was not violated.

You alleged that an election worker fraudulently counted a slate vote for the incumbent slate even though the ballot had an "X" marked in the box for your slate. The investigation disclosed that the ballots provided a box for each slate so that a voter could vote for an entire slate. The ballot also made provision for the voter to choose

among individual candidates if the voter did not wish to vote for an entire slate. The Department's review of the ballot in question showed that the voter placed an "X" in the box for the incumbent slate as well as a check mark next to the names of each individual candidate on that slate. In addition, the voter placed an "X" in the slate box for your slate but then scribbled out that entire "X" to indicate that the voter intended to void the vote. The voter's intent was clear and the LMRDA was not violated.

Finally, your November 9 and November 14 protests, and part of one of the two protests dated November 6, present allegations that were not timely raised to the union. Therefore, these protests to the union failed to comply with the requirements of the Teamsters Constitution. Accordingly, the Department lacks the authority to consider these issues, and they are dismissed.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA that may have affected the outcome of the election, and I have closed the file in this matter.

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

cc: James P. Hoffa, International President
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, D.C. 20001

Brian VanMatre, President
IBT Local 908
800 St. Johns Avenue
Lima, OH 45804

Beverly Dankowitz, Associate Solicitor
Civil Rights and Labor-Management Division