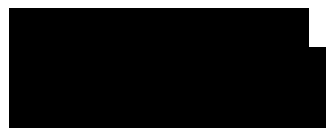




June 20, 2017



Dear [REDACTED]:

This Statement of Reasons is provided in response to the complaint you filed with the Department of Labor on February 14, 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 for American Postal Workers Union Local 7033, conducted on February 26, 2017. Before filing a protest with the Department you filed two pre-election protests, one on October 19, 2016 and another on November 1, 2016, with the union. The union denied both protests.

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

You alleged that during the October 16, 2016 nominations meeting, the local's election committee improperly accepted the nomination of a candidate for clerk craft vice president after nominations for that position had been closed. You also alleged that the candidate, who did not attend the nominations meeting, did not submit a written acceptance of nomination prior to the meeting. Section 401(e) of the LMRDA directs a union to conduct its officer elections in accordance with the union's constitution and bylaws. Article IX, Section 5 of the local's constitution states that acceptance of a nomination may be made in person or in writing and must be submitted to the meeting at which nominations are made. The Department's investigation did not substantiate your allegations. The investigation revealed that the election chairperson accepted the nomination of this candidate before nominations closed and that the candidate's written acceptance of nomination was presented at the nominations meeting.

The investigation also revealed that the union decided to cancel the October 16, 2016 nominations because the election committee did not receive the election packet containing the rules, procedures, and timetables governing the election in time to meet important election benchmarks. As a result, the union held new nominations on

January 8, 2017. You do not dispute that the candidate in question was properly nominated for the clerk craft vice president position during the nominations meeting on January 8, 2017. Therefore, there was no violation.

Next you alleged that bulk mail center members should be permitted to run for installation director of a merged installation. 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)." The Department's regulations permit a union to restrict through its constitution or bylaws eligibility for candidacy for a position on the basis of craft, location, or similar basis. 29 C.F.R. § 452.43. The Department's investigation revealed that the local's constitution directs that only members employed or retired from a merged installation may vote for the installation director, and members employed at different installations are prohibited from voting for installation directors other than their own. According to union officials, the basis for this restriction is that installation directors require access to the merged installation to carry out their duties and that bulk mail center members do not have access to the merged installations. Therefore the local's longstanding practice was to restrict eligibility for installation director to members of that merged installation. This restriction is reasonable and lawful. Accordingly, there was no violation.

You also alleged that the local should not have voided the nominations from the meeting conducted on October 16, 2016. The Department's investigation revealed that the local election committee's decision to delay the election and cancel the October nominations was reasonable. The committee had not received the election packet containing the election's rules, procedures, and timetables in a sufficient time to meet election benchmarks. The union notified members that the nominations had been cancelled and that new nominations would take place at a later date. There was no violation.

In your November 1, 2016 pre-election protest, you alleged that incumbent officers used union copiers and computers to create campaign literature. Section 401(g) of the LMRDA prohibits the use of union resources to promote the candidacy of any person in a union officer election. The Department's investigation revealed no evidence that union resources had been used by any candidate *on or before November 1* to create campaign literature that benefited the candidacies of the three incumbents who won their races in the February 26, 2017 election.

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. Therefore, I am closing the file regarding this matter.

Sincerely,



Sharon Hanley
Chief, Division of Enforcement

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