



November 13, 2017

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed on February 22, 2017, with the Department of Labor alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 481-484, occurred in connection with the election of officers conducted by the International Brotherhood of Teamsters, Local 707 (Local 707), on February 3, 2016.

The Department of Labor (Department) conducted an investigation of your allegations. As a result of our investigation, the Department has concluded, with respect to your allegations, that there was no violation that may have affected the outcome of the election.

You alleged that supporters of the incumbent slate collected and voted members' ballots. Section 401(c) of the LMRDA contains a general mandate that adequate safeguards to insure a fair election shall be provided to all candidates. The Department's investigation established that [REDACTED] the Assistant Shop Steward at Teacher's College, mailed at least "three or four sealed" ballots for members in the first election, after they asked her to do so. The investigation also established that [REDACTED] mailed at least one ballot for a Teacher's College member during the rerun election. [REDACTED] action violates the adequate safeguards provision as it leaves the door open for ballot fraud or tampering and for violation of the Act's secret ballot requirement. This violation, however, did not have an effect on the outcome of the election. Even if all those from Teacher's College had given their ballots to [REDACTED] for mailing, the 54 votes from Teacher's College members would not have had an effect on the outcome of the election of any race. The smallest margin of difference was 66 for the position of vice-president.

You alleged that incumbent slate supporters removed election notices from the union's bulletin board at Teacher's College. Section 401(e) of the LMRDA provides that notice of any election required to be held by secret ballot must be mailed to each member at his last known home address not less than 15 days prior to the election. If the election is conducted by mail, and no separate notice is mailed to the members, the ballots must be mailed to the members no later than 15 days prior to the date when they must be mailed back in order to be counted. 29 CFR 452.102. The Department's investigation

established that a rerun election ballot, which served as the election notice, was mailed to all Local 707 members on December 29, 2015, significantly more than 15 days ahead of the date when voted ballots would need to be mailed in order to be counted during the tally on February 3, 2016. There was no requirement to post the rerun election notice at worksites or elsewhere. There was no violation.

You alleged that the incumbent slate's campaign literature was illegally posted on bulletin boards at an employer site. Section 401(g) of the LMRDA provides that no moneys of an employer or union shall be contributed or applied to promote the candidacy of any person in an election subject to Title IV of the LMRDA. This provision is broadly interpreted by the courts and encompasses a wide variety of union and employer support comprising virtually anything of value. It could include the use of employer personnel while on duty to assist in an election campaign as well as discriminatory use of an employer's bulletin board. The Department's investigation revealed that campaign literature from both slates was posted on the bulletin boards at Teacher's College and that both slates' literature was promptly removed when discovered. To the extent that the postings on the employer's premises violated the Act, both slates engaged in this behavior thereby offsetting any effect of the violation.

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 regarding these allegations.

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

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