August 27, 2018

█████████
█████████

Dear ████████ :

This Statement of Reasons is in response to the complaint you filed with the
Department of Labor on June 25, 2018, 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 917, International Union of Operating
Engineers, on August 26, 2017.

The 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 LMRDA that may have affected the outcome of the
election.

You alleged that ballots were incorrectly tallied. You stated that there were concerns
about the handling of the last bundle of ballots counted and that there were
discrepancies in tallying that group of ballots. You alleged that candidates in the tally
room were distracting the election committee members as they attempted to tally the
ballots. You requested that the tally sheets be made public and that the ballots be
recounted. Section 401(c) of the LMRDA requires a union to provide adequate
safeguards to ensure a fair election.

The Department reviewed the election records and conducted a ballot recount. The
Department recounted all of the stacks as bundled by the union and found minor
differences in the count in two stacks for two races. In stack 12, the group of ballots
about which you specifically complained, the Department counted 16 votes for you for
president; the union had counted 17 votes for you. In stack 7, the Department counted
28 votes for you for president; the union had counted 29 votes for you. In stack 7, the
union also counted 1 too many votes for ████████ , ████████████
candidate; the correct margin for that race was 96 rather than 97. In all of the other
stacks and for all of the other races, the union count and the Department's recount
matched. The differences in the count would not have affected the outcome of the
election. The original tally and recount results for your two races are shown below:

Office	Candidate	Union tally	Union margin	DOL recount	DOL margin
Business manager	███████	281 **325**	44	281 **325**	44
President	███████	280 **325**	45	278 **325**	47

There were no significant errors in the union's ballot tally in comparison to the Department's recount to suggest that the election committee grossly mishandled the tallying of the ballots.

The Department's investigation also confirmed that all ballots prepared were accounted for or retained in the union's records. The ballots were secured inside a briefcase, which was located inside a padlocked metal box with the key to the lock inside. The metal box had to be cut open; therefore, the ballots remained secured after the ballot tally. The outside of the metal box was also sealed with tape. The Department was able to reconcile the number of ballots printed, mailed, returned, and unused in the election.

In sum, the Department's investigation yielded only a few minor ballot count discrepancies that did not change the outcome of any race. There was no violation.

You also raised allegations in your complaint that had not been raised in your protest to the union. Section 402(a) of the LMRDA requires that a member exhaust the remedies available under the union's constitution and bylaws before filing a complaint with the Secretary of Labor. These allegations were not properly exhausted and were not investigated by the Department.

For the reasons set forth above, the Department of Labor concludes that there was no violation of the LMRDA that may have affected the outcome of the election. Accordingly, I have closed the file on this matter.

Sincerely,

███████████████████████

Sharon Hanley
Chief, Division of Enforcement

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