



April 2, 2019

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to the complaint you filed with the United States Department of Labor (Department) on June 29, 2018. The complaint alleged that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 ("LMRDA" or "Act"), occurred in connection with the election of officers, conducted by the American Postal Workers Union, AFL-CIO, Local 251 ("Local 251" or "union"), which was completed on March 22, 2018.

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 Local 251 did not provide you with the membership mailing list when you requested to inspect the list for accuracy to complete a campaign mailing. You claimed that the union's failure to provide you the list for inspection resulted in the return of some of your campaign mailings as undeliverable. Section 401(c) provides that a candidate has the right to inspect a list containing the names and last known addresses of all members once within 30 days prior to the election. The statute further requires unions to maintain and keep the list at the union's office. The Department's investigation found that the election committee held a nominations meeting on February 20, 2018 at the American Legion Hall. During the nominations meeting, you requested to review the membership mailing list because you wanted to complete a campaign mailing. The election committee informed you at that time that it did not have the membership mailing list, because it was maintained in the union office, in accordance with the statute. The election committee advised that if you wanted to review the list, you could make an appointment and inspect the list for accuracy at the union office. However, the record shows that you never scheduled an appointment to review the membership list. Accordingly, there was no violation of the Act.

You alleged that many members did not receive ballot packages or any notification on how to obtain one. Section 401(e) of the LMRDA provides that members in good standing shall have the right to vote. Section 401(c) of the LMRDA requires a union to provide adequate safeguards to insure a fair and democratic election. The investigation found that prior to the election, Local 251 took reasonable steps to obtain correct home addresses for all of its members. APWU National provided Local 251 with an updated address list, which the union used for campaign mailings and forwarded the list to the American Arbitration Association (AAA) to mail the ballot packages to union members. All undeliverable ballot packages were returned directly to AAA. Of the 1,335 ballot packages mailed, only 36 were returned as undeliverable (less than 3 percent) and did not contain forwarding addresses. The investigation revealed that all 36 undeliverable ballot packages were returned to AAA after the March 22, 2018 ballot tally. Before the tally, Local 251 posted instructions on how members who had not received their ballots, or had spoiled their ballots, could request a duplicate ballot. Local 251 posted the instructions for requesting a duplicate ballot at multiple facilities, and included AAA's phone number. AAA received and processed 64 union member requests for duplicate ballots. AAA mailed duplicate ballots the same date the requests were made by the members. Additionally, during the investigation, you provided signed statements of several members who claimed that they had not seen the posting for duplicate ballots. However, the record shows that those members either voted their original ballot or requested a duplicate ballot in the election. Furthermore, by letter dated April 7, 2018, the union asked you to identify the members whom you claimed had not received a ballot; however, you did not do so. Based on these facts, there was no violation of the Act.

In addition to the allegations discussed above, you raised a new issue that was not included in your initial protest to Local 251. Section 402 of the LMRDA requires that the complaining union member must have "exhausted the remedies available under the constitution and bylaws" of their union in order to file a complaint with the Secretary of Labor. In your March 23, 2018 letter to Local 251's election committee chair, you failed to include this additional allegation. Accordingly, this allegation is not properly before the Department and was not investigated.

For the reasons set forth above, it is concluded that there was no violation of the LMRDA that may have affected the outcome of the election. Accordingly, the office has closed the file on this matter.

Sincerely,



Brian A. Pifer
Chief, Division of Enforcement

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bcc: NYDO DIS File: 130-6014321(01)
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Initials	AJD	BAP		
Date	2/21/19	03/01/19		
Last Name	Dunn	PIFER		
Title	DOE Inv.	DOE Chief		

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