



June 13, 2019

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint, received by the United States Department of Labor on March 12, 2019. The complaint alleged that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the November 17, 2018, officer election conducted by the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union, Local 37 (Local 37), in Commerce, California.

The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded, with respect to your allegation, that there was no violation of the LMRDA.

Section 401(c) of the LMRDA requires unions to comply with all reasonable requests of any candidate to distribute the candidate's campaign literature and also prohibits disparate candidate treatment. 29 U.S.C. § 481(c). You alleged that Local 37 violated section 401(c) when the union's designated mailing vendor failed to mail your campaign literature but mailed other candidates' campaign literature.

The Department's investigation revealed that all three candidates who chose to conduct campaign mailings used the designated vendor. This vendor delivered all three candidates' mailings to the United States Postal Service (USPS) Huntington Beach, Bulk Mail Entry Unit (BMEU) on the same day. Additionally, the Department confirmed with a USPS BMEU clerk at the Huntington Beach facility that all three mailings were processed and mailed out by the USPS on the same date. Although you stated during the investigation that members informed you they never received your mailing, you did not specifically identify any of these members. Contrary to your assertion, the Department's investigation confirmed that members who were included on your mailing list received your campaign literature.

For the reasons set forth above, the Department has concluded that there was no violation of the LMRDA. Accordingly, the office has closed the file on this matter.

Sincerely,

A black rectangular redaction box covering the signature of Brian A. Pifer.

Brian A. Pifer  
Chief, Division of Enforcement

cc: David B. Durkee, International President  
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Grain Millers International Union  
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Beverly Dankowitz, Associate Solicitor for Civil Rights and Labor-Management