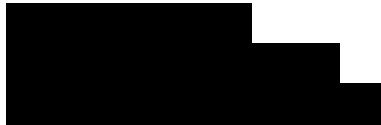




August 2, 2019



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint to the Department of Labor, received August 3, 2018, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred in connection with the April 23, 2018 mail ballot election of union officers, held by Springfield Area Local 497 (local or Local 497), American Postal Workers Union.

The Department of Labor conducted an investigation of your allegations. As a result of the investigation, the Department concluded that there were no violations.

You alleged that the local violated the union's constitution and bylaws when it denied you the right to inspect the local's membership list 30 days prior to the election. Section 401(e) of the LMRDA requires unions to conduct their elections in accordance with their constitution and bylaws. Article X, section 3.B of the Constitution and Bylaws of the American Postal Workers Union (Constitution) provides, in relevant part, that "[t]hey [candidates] shall be permitted to examine [the] membership list within thirty (30) days prior to the election." Neither the Constitution nor the local identified the date that the 30-day period for inspection begins. Nevertheless, the investigation disclosed the relevant election dates were: April 2, 2018, the mailing of the ballots; April 20, 2018, the collection of voted ballots from the post office, and April 23, 2018, the ballot tally.

The local did not deny your request to inspect its membership list. The investigation included a review of a series of emails between you and election committee chair [REDACTED] from March 30, to April 3, 2018. On March 31st, you requested "the mailing list." [REDACTED] responded the same day at 2:25 p.m., and advised that he could not send you that confidential list but invited you to call or visit him at his office, and included his cell phone number. In your 8:08 p.m. email, you complained you had not been afforded your right to inspect the membership list. In response, [REDACTED] agreed that you have the

right as a candidate to inspect the list of members, but mistakenly believed you did not have a right to also review membership addresses. ██████ researched the issue and corrected himself when he spoke to you later that day at your worksite on Sunday, April 1st. Also at that time, ██████ agreed to meet with you at the union office the following day, Monday, April 2, at 9:00 a.m., to allow you to inspect the membership list. You agreed to that meeting. However, later that day you cancelled, in effect declining the local's offer to inspect its membership list.

In addition, the investigation revealed that you cancelled your meeting with ██████ on the basis that your campaign literature was not ready for mailing, a fact independent of the right to inspect the local's membership list. Despite your conflation of these two requests (to inspect the membership list and to mail your campaign literature), ██████ consistently responded to all your requests concerning the election, providing you with his personal cell number, and even offering to accompany you to Staples on Monday, April 2nd to await the completion of your printed campaign materials. He further offered to accompany you to the mailing company once the printing of your campaign material was completed. Your campaign material, however, was not ready for mailing until several days after April 2nd. Again, the communications between you and ██████ revealed no evidence that he or the union denied any reasonable request you may have made to inspect the membership list. Moreover, the investigation showed that ██████ attempted to accommodate your request to mail campaign literature to the membership. There was no violation.

In addition to the allegation discussed above, you included in your complaint three allegations which were either not raised or were not timely raised in your initial internal protest to Local 497. These allegations are not addressed because they were not properly exhausted pursuant to section 402 of the LMRDA. See 29 U.S.C. § 482.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred. Accordingly, the office has closed the file in this matter.

Sincerely,

████████████████████
Brian A. Pifer
Chief, Division of Enforcement

cc: Mark Dimondstein, President
American Postal Workers Union
1300 L Street NW
Washington, DC 20005

Russ Evans, President
APWU Springfield Area Local 497
1124 Berkshire Avenue
Springfield, Massachusetts 01151

Beverly Dankowitz, Associate Solicitor for Civil Rights and Labor-Management