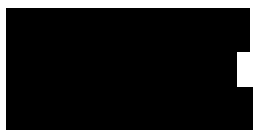




February 6, 2020



Dear [REDACTED]

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on August 8, 2018, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the regularly scheduled election of union officers conducted by the American Postal Workers Union (APWU), Local 86 on April 16, 2018.

The Department of Labor (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. Following is an explanation of this conclusion.

You made allegations implicating section 401(g) of the LMRDA. Section 401(g) of the LMRDA prohibits the use of union funds to promote the candidacy of any person in an election of union officers. 29 C.F.R. § 452.73. Accordingly, union officials and employees may not campaign on time that is paid for by the union. 29 C.F.R. § 452.76. In addition, Section 401(g) also prohibits the use of employer funds to promote the candidacy of any person in an election of union officers. This prohibition against the use of employer funds includes any costs incurred by an employer, or anything of value contributed by an employer to support the candidacy of any individual in an election. 29 C.F.R. § 452.78.

First, you alleged that, on April 10, 2018, Local 86 union officials campaigned at the Oklahoma City Processing & Distribution Center (P&DC) and posted their campaign literature on a time clock located at that facility. During the investigation, three members employed at the P&DC stated that they saw a campaign flyer supportive of the incumbent president and the incumbent secretary treasurer posted on a time clock located at the P&DC. None of these members were able to identify the individual who actually posted the flyer on the time clock. Further, the incumbent president and the incumbent secretary treasurer stated during the investigation that they only left their campaign materials on tables located in the breakroom and in the cafeteria at the P&DC,

as instructed by the P&DC distribution operations manager, and that they did not post any campaign materials in other locations at the P&DC, including on the time clock.

In any event, to the extent that section 401(g) of the LMRDA was violated regarding the campaign posting, during the investigation you admitted to campaigning to an undetermined number of members while they were working on the workroom floor at various post offices located throughout the Oklahoma City area, including post offices located in Bethany, Yukon, Mustang, Brittan, Village, Moore, Midwest City, Center City, and the three post offices located in Edmond. You stated that, during such campaigning, you introduced yourself to members and solicited their votes while they were working on the workroom floor. You further stated that, while you were campaigning, you informed members that snacks, t-shirts and flyers supportive of your campaign were located in the breakrooms at these facilities. On these facts, any effect that the campaign posting may have had on members' choices of candidates was offset by your unlawful campaigning at post offices located throughout the Oklahoma City area. Thus, there was no violation of the LMRDA that may have affected the outcome of the election.

Next, you alleged that, on unknown dates, union officials talked to an undetermined number of business mail entry unit (BMEU) clerks while the clerks were working on the workroom floor at the P&DC facility. This allegation was not substantiated by the investigation. Members who work at that facility and interviewed by the Department stated during the investigation that they never saw union officials talking to any workers while such workers were working on the workroom floor. In addition, the election committee chairperson stated that she never saw any union officials or other candidates campaigning in the BMEU or in any other section of the P&DC facility. Also, two P&DC managers stated during the investigation that they never saw any candidates campaigning to BMEU clerks while the clerks were working on the workroom floor. Further, all of the union officials whom you alleged engaged in the prohibited campaign activity denied doing so. There was no violation of the LMRDA.

In addition, you alleged that approximately one week prior to April 10, 2018, you and one of your supporters observed the incumbent president and her supporters campaigning in the lobby of the P&DC facility. You asserted that campaigning inside that facility was restricted to the break areas. During the investigation, the incumbent president admitted to campaigning to members in the lobby and the parking lot of the P&DC facility along with her supporters after members had completed their work shifts or before such shifts started. The investigation disclosed that post office policy did not prohibit candidates or their supporters from campaigning in the parking lot at that location. There is conflicting evidence concerning whether such policy prohibited campaigning in the lobby of the postal facility. However, there is no allegation that any candidate or member was denied the opportunity to campaign in the lobby. In any event, as previously discussed, you campaigned to an undetermined number of


members while they were working on the workroom floor at various post offices located throughout the Oklahoma City area. Thus, to the extent that the LMRDA was violated concerning campaigning in the lobby of the P&DC facility, this violation did not affect the outcome of the election.

You alleged that the incumbent president sent a union legislative representative to the P&DC facility to campaign on the incumbent president's behalf. During the investigation, the union legislative representative denied that the incumbent president sent her to the P&DC to campaign for the incumbent president or any other candidate. The legislative representative also stated that any campaigning that she engaged in was at her own volition during her personal time. There is no evidence that such campaigning involved the expenditure of union or employer funds in violation of section 401(g) of the LMRDA. Further, the incumbent president stated that she never asked the union official to campaign on the incumbent president's behalf. There was no violation of the LMRDA.

Finally, your additional allegations were not properly exhausted under section 402 of the LMRDA or constituted allegations not covered by Title IV. As a result, those allegations are not properly before the Secretary and, for that reason, they are dismissed.

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 dismissed your complaint and closed its file in this matter.

Sincerely,



Brian A. Pifer  
Chief, Division of Enforcement

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

Koquise Edwards, President  
American Postal Workers Union Local 86  
2200 SW 14<sup>th</sup> Street  
Oklahoma City, OK 73108

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