



March 11, 2020

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to the complaint you filed with the United States Department of Labor (Department) on July 3, 2019. 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 of the American Postal Workers Union, AFL-CIO (APWU) National Headquarters, which was completed on October 8, 2019.

The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded that no violation occurred which may have affected the outcome of the election.

You alleged that APWU improperly allowed [REDACTED] to remain on the APWU website committee after declaring his candidacy. You further allege that his position on this committee provided him with access to some members' contact information and that he may have used this contact information improperly for campaigning purposes. Section 401(e) of the Act provides, among other things, that covered elections shall be conducted in accordance with the constitution and bylaws of the union in so far as they are consistent with the provisions of the Act. *See* 29 U.S.C. § 481(e). Additionally, section 401(c) requires a union and its officers to refrain from discrimination in favor of or against any candidate with respect to the use of union lists of members. 29 U.S.C. § 481(c); *see also* 29 C.F.R. § 452.71(b).

The Department's investigation revealed that nomination packets sent to candidates in the October 2019 election contained a notice from APWU President [REDACTED], dated May 1, 2019, which advised candidates of an Executive Board policy that "candidates in the APWU 2019 National Officers' Election are ineligible to serve in any APWU appointed position, including staff, advocate or committee assignment," and that members would be removed from any such position upon declaration of their candidacy. [REDACTED] declared his candidacy in May 2019. The Department further

established that, while a website committee had been created after the 2016 convention, [REDACTED] did not serve as an appointed member of that committee. Rather, he provided input to the committee in his capacity as a local president because he was knowledgeable about the website. Similarly, at the APWU New Jersey State Convention on June 3, 2019, [REDACTED] was asked to respond to a specific question from a member regarding the union's website, but he did not do so as a member of the committee. To the extent that [REDACTED] referred to member feedback about the website during the convention, he explained that he was describing feedback that members had personally communicated to him, not feedback received by the committee.

With regard to your allegation that [REDACTED] may have used members' contact information to campaign, the Department's investigation determined that [REDACTED] did not have access to the email account that members were instructed to contact with comments about the union website. Only the communications department had access to this email account. Further, even if [REDACTED] did have access to this account, there was no evidence that he used this information for campaigning.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA that may have affected the outcome of the election, and I have closed the file in this matter.

Sincerely,

[REDACTED]
Brian A. Pifer
Chief, Division of Enforcement

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