



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 June 24, 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 ruled that you were ineligible to run for the office of Research and Education Director in the October election. The Department's investigation verified that APWU found you ineligible to run for office and that the decision was based on reasonable interpretation of the Constitution and Bylaws. Section 401(e) of the Act provides, among other things, that every member in good standing shall be eligible to be a candidate and to hold office subject to "reasonable qualifications uniformly imposed" and 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). Further, "the interpretation consistently placed on a union's constitution by the responsible union official or governing body will be accepted unless the interpretation is clearly unreasonable." *See* 29 C.F.R. § 452.3.

In this case the Department's investigation revealed that, at the 2008 APWU National Convention, the delegates passed a National Executive Board referred resolution which stated: "Any officer or former officer that has had a bond invoked and been found guilty pursuant to the APWU Constitution, shall be prohibited from ever running or

holding any office at any level of the APWU where a bond is required.” Bonding is required for the position of Research and Education Director, for which you wanted to run. The investigation also revealed that a bond in the amount of \$682.50 had been invoked against you and that you had been found guilty by the Houston Area Local 185’s Trial Board of the unauthorized use of union funds. The membership voted to uphold the Trial Board’s decision at the General Membership Meeting on January 19, 2019.

Despite your pending appeal with the APWU National Executive Board, the APWU’s decision to declare you ineligible to run for the office of Research and Education Director was based upon a reasonable qualification and reasonable interpretation of the APWU’s constitution. The investigation did not uncover any evidence that the terms of the resolution have been discriminatorily enforced. The plain language of the resolution does not require that all appeals be exhausted; it simply requires the invocation of a bond, a guilty finding, and an office that requires bonding. The facts of your case met those requirements.

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,



Brian A. Pifer
Chief, Division of Enforcement

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

Mindy Holmes
Murphy Anderson PLLC
1401 K Street, NW, Suite 300
Washington, DC 20005

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