



March 25, 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 December 10, 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 your opponent, [REDACTED], mailed her campaign material to post offices with instructions to post that material on union boards, in violation of the 2019 APWU Election Rules. Specifically, you alleged that [REDACTED] campaign material was posted on union boards at the Van Nuys, Thousand Oaks, Sylmar, Woodlake, and Encino California locations. Section 401(g) of the LMRDA prohibits the use of union funds or resources to promote the candidacy of any person in an election. 29 U.S.C. § 481(g). Section 401(e) of the LMRDA requires that union elections “be conducted in accordance with the constitution and bylaws of such organization insofar as they are not inconsistent with the provisions” of the LMRDA. 29 U.S.C. § 481(e). The Rules and Regulations Governing the 2019 APWU National Elections state that “[u]nion property cannot be used for posting, storage or distribution of campaign literature....” A statement on APWU’s website further explained that “[u]nder federal law, it is illegal to use union property to campaign for union office. This prohibition applies to using union bulletin boards”

Posting campaign literature on union bulletin boards violated the APWU election rules. The Department’s investigation, however, determined that this violation would not have affected the outcome of the election. First, you said that you did not observe [REDACTED] literature posted on union boards at the locations where you campaigned,

and that [REDACTED] was the only person who informed you that [REDACTED] literature was posted on union boards. However, Sartain did not have any proof that [REDACTED] campaign material was posted at sites other than Encino and Thousand Oaks. [REDACTED] also admitted that when she saw [REDACTED] literature posted on union boards at the Encino and Thousand Oaks locations, she moved it to a wall.

Second, both you and [REDACTED] engaged in extensive campaigning. You mailed your campaign material to more than 600 post offices while she mailed to 400. You visited a number of postal facilities to campaign by posting literature on walls, community bulletin boards and leaving it in breakrooms. You stated that, whenever you saw [REDACTED] literature in a postal facility, you posted your literature right beside hers. Furthermore, there was no indication that you were ever denied the ability to post your campaign literature on any union bulletin boards, and the Department in fact established that your campaign literature was similarly posted on some union bulletin boards, including those located at the La Puente, Fullerton, and Palm Springs locations. Thus, the effect of the violations would offset one another such that there would be no effect on the outcome of the election.

You also alleged that [REDACTED] campaign literature had the appearance of an improper endorsement on the part of APWU. The Department's investigation established, however, that [REDACTED] literature was clearly campaign material and was not printed on union letterhead nor did it include the union logo and, as such, did not create a reasonable inference that members would assume the union had endorsed the candidate. Accordingly, there was no violation.

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]

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Chief, Division of Enforcement

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