



May 15, 2020

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint, received by the U.S. Department of Labor on October 11, 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 August 28, 2019, election of officers conducted by the Screen Actors Guild - American Federation of Television and Radio Announcers (SAG-AFTRA).

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to each of your allegations, that there were no violations of the LMRDA that affected the outcome of the election.

Section 401(g) of the LMRDA prohibits the use of union and employer funds or resources to promote the candidacy of any person in a union officer election. 29 U.S.C. § 481(g). You alleged that SAG-AFTRA violated this provision when [REDACTED], the union's national president, portrayed herself in the reboot of the "Beverly Hills 90210" television show. The Department's investigation revealed that although the reboot premiered in August 2019, close in time to the election, [REDACTED] herself had no control over when the FOX television network aired the episodes. Additionally, the Department found that [REDACTED], an actress, played the role assigned to her. Although two of the three episodes that aired prior to the election very briefly highlighted [REDACTED] character's position as president of an actors' union, the FOX television network's broadcast of these episodes did not promote [REDACTED] performance or accomplishments as the actual president of SAG-AFTRA, or her candidacy in the officer election. And finally, no episode contained any discussion of the SAG-AFTRA election or any candidates in that election. For these reasons, the Department does not find this to be a violation of section 401(g) of the LMRDA.

Section 401(c) of the LMRDA requires that unions provide adequate safeguards to ensure a fair election and prohibits disparate candidate treatment. 29 U.S.C. § 481(c). You alleged that SAG-AFTRA violated this provision, as well as section 401(g)'s prohibition on the use of union resources to promote the candidacy of any person in the election when [REDACTED] unlawfully included information about contract negotiations with Netflix in her candidate statement that was included in ballot packages mailed to members. More specifically, you alleged that because candidate statements were due before the Netflix contract was signed, either [REDACTED] falsely claimed to have negotiated a contract with Netflix, SAG-AFTRA staff breached confidentiality rules to brief [REDACTED] on the ongoing negotiations, or SAG-AFTRA staff assisted [REDACTED] by amending her candidate statement after the submission deadline. As an initial matter, it is not within the Department's jurisdiction to police behavior related to SAG-AFTRA's policies on confidentiality. As it relates to the LMRDA, a union resource is generally something of proprietary or monetary value to the union (*e.g.*, a list of members' contact information compiled during the course of union business). In this case, [REDACTED] general references to the contract negotiations, without more, does not constitute the use of "union resources" for purposes of section 401(g) of the Act. Moreover, the Department's investigation found that [REDACTED] submitted her candidate statement just prior to the deadline, and there is no evidence the election committee permitted [REDACTED] to amend her statement at any point after the deadline. As such, this allegation does not constitute a violation of section 401(c) or 401(g) of the LMRDA.

For the reasons set forth above, the Department has concluded that there were no violations of the LMRDA that may have affected the outcome of the election. Accordingly, the office has closed the file on this matter.

Sincerely,

[REDACTED]
Chief, Division of Enforcement

cc: Gabrielle Carteris, President
SAG-AFTRA
5757 Wilshire Boulevard, 7th Floor
Los Angeles, CA 91617

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