qU.S. Department of Labor

Office of Labor-Management Standards Division of Enforcement Washington, DC 20210 (202) 693-0143 Fax: (202) 693-1343



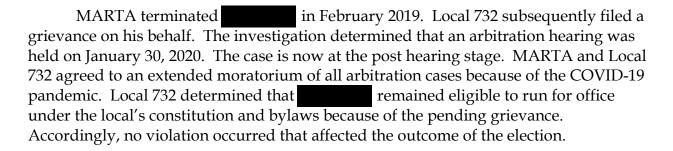
July 21, 2020



This Statement of Reasons is in response to the complaint you filed with the Department of Labor on April 8, 2020, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the December 4, 2019 general election of officers and the December 11, 2019 runoff election that were conducted by Local 732 of the Amalgamated Transit Union (Local 732).

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that, with respect to each of your specific allegations, no violation occurred that may have affected the outcome of the election.

You alleged that Local 732 violated section 401(e) of the	
ineligible candidates, , to ru	n for office. Section 401(e)
provides that union officer elections shall be conducted in accordance with the local's	
constitution and bylaws. 29 U.S.C. § 481(e). Under Local 732's constitution and bylaws,	
prospective candidates must have been a member in good standing for two continuous	
years prior to nominations. You alleged that a gap in	membership status
caused by a termination rendered her ineligible to run for office. The investigation	
established that MARTA terminated in 2018.	filed a grievance
regarding her termination. Under union rules, as described in the International's	
June 30, 2016 response to an inquiry on eligibility,	was allowed to remain a
member in good standing while that grievance was pending.	lost her
grievance in March 2019; she was hired by another Local 732 covered employer later in	
2019. While you alleged this chain of events rendered	ineligible by causing
a gap in her membership status, the investigation established	
covered by a separate collective grievance during the alleged gap period. Local 732	
determined that was eligible to run for office under	er the local's constitution
and bylaws because the second collective grievance was still pending.	



You also alleged that Local 732 violated section 401(e) of the LMRDA by turning supporters of candidate away from the Gwinnett County polling location during the December 4, 2019 general election. Section 401(e) provides that every member in good standing shall have the right to vote in union elections. 29 U.S.C. § 481(e). While you could not provide the names of any specific members who were turned away from the polls, you suggested that Department investigators should talk with said that was possibly turned away from the polling site despite being a dues paying member. The investigation established that any member who was not on the eligibility list was able to cast a challenged ballot. The election records indicate that six challenged ballots were voted at the Gwinnett County polling location, including one cast by Committee subsequently counted two of the challenged ballots after determining that they were cast by eligible members. Because Local 732 did not deny any members the right to vote a challenged ballot at the Gwinnett County polling station, no violation occurred that affected the outcome of the election.

You also alleged that Local 732 failed to adequately secure the general election ballots between the two days when votes were tallied - December 4, 2019 and December 5, 2019. Section 401(c) of the LMRDA requires local labor organizations to provide adequate safeguards to insure a fair election. 29 U.S.C. § 481(c). The investigation established that Local 732 contracted with Honest Ballot to conduct the election and print the ballots. After the December 4, 2019 election, Honest Ballot employees duct taped the open portion of the locked ballot boxes at each polling site and transported them to the main polling location in Atlanta, Georgia. The Election Committee and Honest Ballot began tallying the election results on December 4, 2019. Under the procedures used, an Honest Ballot representative unlocked the ballot boxes and removed the duct tape from the opening. Challenged ballots were placed to the side. The paper ballots were tallied and added to the electronic count from the Atlanta polling site. The Election Committee and Honest Ballot representatives were unable to verify the eligibility of the challenged ballots on the night of December 4, 2019 because no one was in the union office at 9:00 PM. The Election Committee and Honest Ballot representatives decided to check voter eligibility the next day. An Honest Ballot representative sealed the ballots and election records and took them to her hotel room. She did not leave the records in her car overnight. On December 5, 2019, the representative flew to New York and transported the records directly to the Honest Ballot offices in Floral Park, New York. Honest Ballot Representatives opened and counted five of the challenged ballots that were deemed to be from eligible voters on

December 5, 2019. Because the ballots were secure at all times, no violation occurred that affected the outcome of the election.

For the reasons set forth above, the Department of Labor concludes that there was no violation of the LMRDA that may have affected the outcome of the election. Accordingly, I have closed the file on this matter.

Sincerely,

Brian A. Pifer Acting Chief, Division of Enforcement

cc: Beverly Dankowitz, Associate Solicitor, DOL

Mr. John A. Costa, President Amalgamated Transit Union 10000 New Hampshire Avenue Silver Spring, MD 20903

Mr. Britt Dunams, President ATU Local 732 501 Pulliam Street SW Rm 406 Atlanta, GA 30312