

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
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August 17, 2020



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on May 29, 2020, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the May 9, 2020 general election of officers that was conducted via mail ballot by Local 96 of the American Postal Workers Union (Local 96).

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

As a preliminary matter, Section 401(e) of the LMRDA provides that every member in good standing shall be eligible to be a candidate and to hold office subject to reasonable qualifications uniformly imposed. 29 U.S.C. § 481(e). Article 10, Section 2(b) of the Local 96 Constitution and Bylaws states that “[n]o member of this local shall be eligible to serve as an officer and/or delegate to the National or State Convention unless he/she has attended at least one (1) General Membership Meeting between March and February each year, proceeding [sic] the month of nominations for delegates and officers.” The investigation established that this provision has been in force since the union passed an amendment to reduce the attendance requirement from four meetings to one at an October 2006 membership meeting that you attended.

You alleged that Local 96 violated the LMRDA by imposing the meeting attendance requirement on candidates for office despite having no policy to accommodate individuals with disabilities unable to attend monthly meetings for medical reasons. Relatedly, you alleged that you were declared ineligible to hold office for failing to meet the meeting attendance requirement despite having requested reasonable accommodations in 2019. The investigation revealed that, on January 30, 2019, you sent an email to the president of the local requesting accommodations—including a computer, office supplies, and internet access—in order to perform your job duties and union steward work, citing an unspecified

disability. However, you never indicated that your disability could impede your ability to attend membership meetings, nor did you request accommodations to enable you to participate in meetings. You also never asked to be excused from meeting attendance.

The investigation also established that while, in general, the local does not have a formal policy for accommodating disabled members who cannot attend monthly meetings, it makes every effort to honor members' accommodation requests when they arise. For instance, on several occasions, the local has partnered with the organization Deaf Connect in order to provide sign language interpretation services to hearing impaired meeting attendees. Additionally, the union confirmed that, in the event that a member were to request accommodations in order to attend meetings and the local could not provide them, the meeting attendance requirement would be waived for that member. Significantly though, the investigation did not identify any member of Local Union 96 who asked to be excused from membership meetings based on a disability. Because Local 96 did not deny you or any other member the right to be a candidate and to hold office subject to reasonable qualifications uniformly imposed, no violation occurred that affected the outcome of the election.

You also raised allegations in your complaint to the Department that you failed to raise with the local election committee within 72 hours after the grievance arose, pursuant to the protest and appeals procedures set forth in Article 12, Section 8 of the APWU Constitution and Bylaws. Section 402(a) of the LMRDA requires that a member exhaust the remedies available to him or her under the union's constitution and bylaws before filing a complaint with the Secretary of Labor. 29 U.S.C. § 482(a). These allegations were not properly exhausted and were not investigated by the Department.

Finally, you alleged claims which, even if true, do not constitute violations of the LMRDA. These allegations are not properly before the Department and were not investigated.

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

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