U.S. Department of Labor

Office of Labor-Management Standards
Suite N-5119
200 Constitution Ave., NW
Washington, D.C. 20210
(202) 693-0143

December 19, 2023

Dear ▮▮▮▮▮▮▮▮:

This Statement of Reasons is in response to the complaint you filed with the Office of
Labor-Management Standards (OLMS) of the U.S. Department of Labor on
October 20, 2023. In the complaint you alleged that violations of Title IV of the
Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in
connection with the union-ordered rerun election for the office of secretary held by the
American Postal Workers Union, Greater Cincinnati Ohio Area, Local 164 on
October 7, 2023.

I have reviewed your complaint to OLMS and the correspondence that constitutes your
internal union election protest and appeal. The sole allegation that you raised with both
OLMS and the union, in these internal union documents, is that the United States Postal
Service (USPS) violated the LMRDA when it interfered in the election by denying your
preapproved leave under the Family Medical Leave Act (FMLA) after you announced
your candidacy. You asserted that such denial prevented you from having sufficient
pay to conduct a campaign mailing.

Title IV of the LMRDA prescribes minimum standards for unions conducting elections
of union officers, but matters concerning or related to employer decisions under the
FMLA are not covered under such standards. Therefore, this office will take no further
action on your complaint because the allegation concerning the USPS's denial of your
request for FMLA leave, even if true, would not constitute a violation of the LMRDA.
Accordingly, the office has dismissed your complaint and closed its file in this matter.

Sincerely,

Tracy L. Shanker
Chief, Division of Enforcement

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

Don Hoffrogge, President
APWU Local 164
1385 Tennessee Avenue
Cincinnati, OH 45229

███████████████, Associate Solicitor
Civil Rights and Labor-Management Division