



October 10, 2024



Dear [REDACTED]:

This Statement of Reasons is in response to your November 8, 2023 complaint filed with the Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the Screen Actors Guild, American Federation of Television and Radio Artists (SAG-AFTRA) New England Local (SAG-AFTRA New England or Local Union) and National (National Union) elections of officers, completed on August 18, 2023 and September 8, 2023, respectively.

The Department conducted an investigation of the complaint. As a result of the investigation, the Department has concluded, with respect to the allegations, that there was no violation of the LMRDA that may have affected the outcome of the election.

You alleged that the National Union failed to provide adequate safeguards to ensure a fair election because the National Election Committee was made up of Unity Party members. 29 U.S.C. § 481(c). The SAG-AFTRA Constitution at Article VI, Sections 2(g)(i)-(ii) and the Nomination and Election Procedures at Article V, Section B state that the National Board shall appoint to the National Officer Election Committee at least three members in good standing who are not candidates for office or delegate. The investigation revealed that Carl Bradley Anderson was chair, and Charlie Bodin, Marcy Goldman, Steve Bayorgeon, and Kim Murtaugh were Election Committee members, none of whom were candidates for office. The investigation established that the Election Committee was properly appointed. Further, the investigation did not reveal any evidence to support a finding that the Election Committee promoted Unity Party candidates. There was no violation.

You alleged that the New England Local Union did not select independent candidates as strike captains and that the union created a strike captain group on the messaging application Signal, that was not open to the entire membership. Section 401(c) prohibits disparate candidate treatment. 29 U.S.C. § 481(c). You alleged that access to the strike captain Signal group may have given its members advance notice of strike events.

According to the union, any member could volunteer to serve as a strike captain if they attended a strike captain training. The investigation found that members could volunteer to serve as a strike campaign and that the union denied only one individual the opportunity to be a strike captain based on a personality conflict. You were a strike captain and had access to the Signal chat for strike captains. You acknowledged in an interview with the Department that you did not witness any campaign activities in the strike captain Signal group. There was no violation.

You alleged that the Local Union did not offer a “meet the candidates” event as it had in the past, and instead used strike activities to promote Unity Party candidates. Section 401(c) of the Act provides a general mandate that a union provide adequate safeguards to ensure a fair election. 29 U.S.C. § 481(c). Thus, a union’s wide range of discretion regarding the conduct of its elections must be circumscribed by a general rule of fairness. 29 C.F.R. § 452.110. Further, section 401(c) prohibits disparate treatment of candidates for office. 29 U.S.C. § 481(c). There was no constitutional provision requiring such an event. The election rules stated that “the National Board or a Local Board may host a ‘Meet the Candidates’ event,” but did not require it. According to the National Union, locals can hold such events at their discretion, but they are not required. No candidate was provided such an opportunity. As such, there was no violation.

You alleged that National Secretary-Treasurer Joely Fisher and Missouri-Valley Local President Shelley Waggener used union resources to campaign when they emailed a Zoom invitation to members of the Missouri Valley local for an “unofficial meeting” to discuss the strike. You alleged that it was improper for Fisher and Waggener to use their official union titles in this email because they were also candidates. Section 401(g) prohibits the use of union or employer funds to promote a candidate for office. 29 U.S.C. § 481(g). The term “union or employer funds” is broadly construed and can include the use of union or employer resources and facilities as well as union- or employer-paid time. 29 C.F.R. §§ 452.76, 452.78. The Department’s review of the meeting invitation did not reveal any reference to the election or any person’s candidacy. The invitation noted “this unofficial chat is solely for educational purposes and no other topics will be discussed.” While Fisher and Waggener’s union titles were listed in the invitation, an official union title is of no proprietary, pecuniary or other value to a union and, therefore, does not constitute a union resource. Thus, the investigation did not reveal any use of union resources to campaign. There was no violation.

You alleged that National Executive Director Duncan Crabtree-Ireland used union resources to campaign during a May 30, 2023 Zoom meeting, in violation of section 401(g). 29 U.S.C. § 481(g). You alleged that, during the question-and-answer period, Crabtree-Ireland read aloud a question from an attendee asking whether the National Union should be changing leadership via an election during the strike. You stated that

Executive Vice President Powell then immediately stated that they could not discuss the election. You explained that submission of this question was subliminal messaging to plant doubt in the attendees' minds about voting for anyone other than establishment candidates. The investigation confirmed that, during the meeting, Crabtree-Ireland moderated a panel discussion of the strike authorization vote and read aloud and answered questions that members submitted via the chat function. The National Union provided the Zoom Q&A report, which included a total of 171 questions, one of which was: "Will the elections be postponed so we don't have a change of leadership during the middle of negotiations? This could be hugely disruptive to negotiations. I strongly recommend we postpone elections and if this needs to be a formal proposal to the board I'm happy to do that." The Department reviewed a recorded clip of the meeting that you provided and confirmed that the focus of the meeting was the strike authorization vote. During the clip, Crabtree-Ireland stated that he had confidence that the leadership would be united, regardless of what was happening with the elections. Then Powell added that the union had to follow internal and federal rules governing the election. The Department did not identify any statement that could be considered campaigning. There was no violation.

Next, you alleged that Fran Drescher and Andrea Lyman sent official union emails with the phrase "in unity" in their signatures. You claimed that they began using the phrase "in unity" during the election to align with the "Unity Party" slate name and that they promoted their campaign using union resources, in violation of section 401(g). 29 U.S.C. § 481(g). The Department reviewed Drescher and Lyman's emails and found that the messages related to union functions and the strikes; they had no references to candidates or the election. The phrase "in unity" is a common phrase used by unions. There was no violation.

You alleged that New England National Board Member Bill Mootos used a union email list and union resources to email the union's Committee of Locals (CoL) about a campaign strategy meeting for certain candidates, in violation of section 401(g). 29 U.S.C. § 481(g). You further alleged that Mootos improperly used SAG-AFTRA organizational support, contact list, and letterhead. The investigation revealed that the National Union does not share email addresses of CoL members, and instead sends all CoL communications through union staff without showing other recipients' email addresses. Mootos sent an email with the subject "CONFIDENTIAL: Unofficial CoL Leaders Elections Meeting," bcc'ing 42 personal email addresses, 17 of which were for CoL members. Mootos told the Department that he had obtained personal email addresses for the email's recipients via personal connections, and that he included the term "CoL" because he considers it the relevant geographic area. Mootos did not send the email to all CoL members because he did not have contact information for many of them. The investigation did not uncover evidence that union funds, facilities, staff,

letterhead, or other union resources were used in connection with the email or the meeting planning. The meeting itself was ultimately not held. There was no violation.

You alleged that the Twitter/X account “What’s on Paramount Plus” endorsed Unity Party candidates in a July 14, 2023 post, in violation of section 401(g)’s prohibition on the use of employer funds to campaign. 29 U.S.C. § 481(g). The post said “Here are members of the #SAGAFTRA National Board you can find on Paramount+” with photos and names of candidates Fran Drescher, Michelle Hurd, Yvette Nicole Brown, and Jennifer Beals and names of show and movie appearances. The investigation found that the tweet did not mention the election or any of the pictured actors’ candidacies. Further, the account holder was not affiliated with Paramount+ and the account was later deactivated for impersonation, then appeared in a new version with a “not affiliated” disclaimer. The tweet simply identifies union officers, which was newsworthy information given the timing of the tweet and the strike activities. There was no evidence that the tweet was election related or that it involved an employer expending resource. There was no violation.

You alleged that Los Angeles Local candidate Ron Ostrow and New York Local candidate Ezra Knight received funding from the union to pay for campaign mailings, in violation of section 401(g). 29 U.S.C. § 481(g). You estimated that the mailings cost \$70,000 to send to the Los Angeles membership and \$30,000 to \$40,000 to the New York membership. You speculated that neither candidate could have paid for the mailings themselves, because they were on strike and you were not aware of either publicly seeking donations from other members. The investigation revealed that neither Ostrow nor Knight used money from the union or an employer. Ostrow and other candidates on his slate pooled their money to pay for the Los Angeles flyer. Ostrow paid for the flyers and provided the Department with receipts. Executive Vice President Linda Powell paid for half of the cost of the New York flyer which featured Knight with her own money and used the slate’s combined campaign account for the remainder. As such, no employer or union funds were used for the flyers. There was no violation.

You alleged that New England Board Member Abby Dylan used union resources to campaign when she sent an email on May 27, 2022 to union officers and staff making negative comments about Peter Antico and others. This implicates section 401(g)’s prohibition on use of union resources to campaign for or against candidates for office. 29 U.S.C. § 481(g). The investigation revealed that, approximately a year before the election, Dylan sent an email with the subject “Some Confidential History” from a personal account. She sent the email to five union officers at their personal email addresses, and to two union staff members at their union email addresses. The union staff members were not permitted to vote in the election. In the email, Dylan wrote about events that occurred during a local board meeting, including tense interactions between individuals. Although the email referenced union politics and mentioned Peter

Antico, who later ran for office as an independent candidate, it did not directly address the upcoming officer election. Therefore, these actions did not constitute a use of union resources or campaigning. As such, there was no violation.

You provided the Department with a February 28, 2021 email that Andrea Lyman sent to union leaders, which you claimed was also related to events leading up to the 2023 election. You did not raise this issue internally within the union. Section 402(a) of the LMRDA provides that, before a complaint may be filed with the Department, the member must exhaust the remedies available under the union's constitution and bylaws. 29 U.S.C. § 482(a). Because you did not exhaust your internal union remedies prior to making this allegation, the issue was considered to be out of scope and not investigated by the Department.

In your complaint you alleged that a candidate in the New England Local election used union resources to campaign when he included a photo of himself wearing a SAG-AFTRA shirt in the voter's guide, and that New England Local President Andrea Lyman used information about strike rallies to campaign. Section 402(a) requires that members file their complaint with the Secretary within one calendar month after exhausting the remedies available under the constitution and bylaws of their union. 29 U.S.C. § 482(a). The New England Local election committee denied these allegations on October 2, 2023. Therefore, your November 8, 2023 complaint to the Secretary was not timely, and these allegations were not investigated.

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

Sincerely,



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Acting Chief, Division of Enforcement

cc: Michelle Bennett, Chief Governance and Equity & Inclusion Officer
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