



August 30, 2016

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint received by the Department of Labor on October 23, 2015, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 ("LMRDA") occurred in connection with the election of officers of the Screen Actors Guild-American Federation of Television and Radio Artists ("SAG-AFTRA") New England Local ("Local"), conducted on August 14, 2015.

The Department of Labor investigated your allegations. As a result of the investigation, the Department concluded that there were no violations that may have affected the outcome of the election.

You alleged that several New England Local board members campaigned at the union's July 7, 2015 Conservatory meeting. Section 401(g) of the LMRDA prohibits the use of union funds, including union facilities, to promote any candidate's candidacy. The investigation confirmed that the local held a Conservatory meeting on July 7, 2015 in the local's conference room. The local holds monthly Conservatory meetings for the purpose of professional development and are open to all members. Although members, including some candidates, did speak at that meeting, no one discussed the election or campaigned on behalf of any candidate. No person's candidacy was promoted at this meeting. There was no violation.

You alleged that the local did not permit all candidates the opportunity to address the membership at a "Meet the Candidates" event held on July 20, 2015. Section 401(c) of the LMRDA prohibits disparate treatment of candidates for union office. The SAG-AFTRA Nominations and Election Policy at Article IV, A, 5 provides, in relevant part, that a local may host a "Meet the Candidates" event at which all candidates will be afforded an equal opportunity to address the membership. The investigation showed that none of the candidates was given an opportunity to address the membership at the local's "Meet the Candidates" event. Indeed, the investigation revealed no evidence

that any candidate received either preferential or adverse treatment during the July 20, 2015 event. There was no violation.

You also alleged that members were not timely informed of the July 20, 2015 meet-and-greet event. The combined notice of nominations and election, mailed to the membership on May 17, 2015, contained the announcement that the "Meet the Candidates" event would be held on July 20, 2015. This notice provided members 33 days advance notice of the event in question, a more than sufficient amount of time to make arrangements to attend the event. There was no violation.

You alleged that the New England Local failed to provide its members with notice of candidates' names on July 1, 2015, the date such an announcement should have been made per the combined notice of nominations and election. Section 401(c) of the LMRDA requires unions to provide adequate safeguards to ensure a fair election. The investigation disclosed that the local mailed a combined nominations and election notice on May 17, 2015, that included among the dates to remember "July 1 Local candidates announced." On July 1, 2015, the local emailed all candidates the names of candidates and the position for which each candidate was running. Members learned of the names of candidates and the positions for which each was running when they received their mail ballot package mailed on July 15, 2015. Nothing in the union's governing documents or the LMRDA requires a union to announce to its members the names of candidates running for office prior to the mailing of the ballots. There was no violation.

You alleged that union funds were expended in the creation of a Facebook page that contained the SAG-AFTRA union logo. Article IV, section A, 1, (d) of the Election Policy prohibits the use of the union's logo or name in a manner which would reasonably be construed as an endorsement by the union. The investigation disclosed that a Facebook group was created by member [REDACTED] and called [REDACTED] "Unofficial NE SAG-AFTRA Elections 2015." This was a closed Facebook group that was available to any member who joined the forum. A review of the Facebook group postings showed that it did not contain the union's logo. Further, [REDACTED] permitted candidates and members to post comments, and he did not censor any person's comments or postings on the group forum. In addition, the investigation found no evidence that photos that were the property of the union were posted on this website. As such, no union funds were expended in the creation or maintenance of this Facebook group. There was no violation.

You alleged that local president Michelle Proude used union funds when she used the name of the parent union, SAG-AFTRA, in her campaign email. Specifically, you alleged that the campaign email included the words, "SAG-AFTRA- Michelle Proude," followed by the national union's mailing address. Section 401(c) requires unions to

treat all candidates equally with respect to the distribution of their campaign literature. *See* 29 C.F.R. § 452.67. The investigation disclosed that the union hired a vendor to handle candidate requests to distribute campaign literature to members by mail and/or by email. The investigation found that, for campaign literature that a candidate requested be distributed by email, the vendor included a footer at the end of each campaign email that included the text "SAG-AFTRA", followed by the name of the candidate who requested the email distribution of campaign literature, and the national union's mailing address. The footers the vendor included on each campaign email were virtually identical, the only variation being the name of the candidate who requested distribution of campaign literature by email. Consequently, there was no unequal treatment of candidates. There was no violation.

For the reasons set forth above, the Department has concluded that no violation of the LMRDA occurred, and I have closed the file in this matter.

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

cc: [REDACTED] President
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