



September 20, 2016

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint received by the Department of Labor on April 8, 2015, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the runoff election for the offices of President and Recording Secretary of Local 1005 (Local), Amalgamated Transit Union (International), conducted on December 10, 2014.

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

You alleged that Local 1005 did not treat your candidacy the same as it treated others' candidacy when it deliberately misprinted your last name as [REDACTED] in its autumn 2014 newsletter, a misprint that may have confused members. Section 401(c) of the LMRDA prohibits unions from discriminating in favor of or against any candidate in an election. The Department's investigation disclosed that on November 25, 2014, the local delivered approximately 1,000 copies of its autumn 2014 newsletter to its members' various work locations, posting some copies and leaving others in areas accessible to members. The front page of that edition displayed your name as [REDACTED] instead of [REDACTED]. However, your name was properly displayed on page seven of that edition, as well as on the ballots for both the original November 12, 2014 election, and the runoff election held in the following month.

Upon learning of its error, the Local took the following actions the next day, November 26: it corrected your name in the online edition; posted a memorandum and sample ballot with your correct name at all worksites; posted the same sample ballot on the union's website; and transmitted an email to members for whom it had email addresses informing them of the error and the correction. The Local's action remedied its error.

With respect to your assertion that the misprint might have confused new members, the investigation disclosed that 34 new members were added to the local's membership

between the original and runoff elections; only three of the new members voted in the runoff election. The office of Recording Secretary was won by a margin of 253 votes, far greater in number than the three new members who may or may not have been confused by the misprint. Consequently, the addition of those three votes in your favor would not have affected the results for that race.

In a related allegation, you alleged that the local treated you differently from other candidates by stamping in bold print the word "SAMPLE" at such an angle on the runoff sample ballot as to block part of your last name. The Department's review of the runoff sample ballot in question showed your last name was legible to voters. Further, the investigation disclosed that sample ballots in the primary election covered the names of other candidates. There was no evidence of discrimination against you. There was no violation.

For the reasons set forth above, your administrative complaint to the Department is dismissed, and I have closed the file in this matter.

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

cc: Lawrence J. Hanley, International President
Amalgamated Transit Union, AFL-CIO, CLC

[REDACTED]

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