



September 13, 2016

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint to the Department of Labor, received March 16, 2016, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred in connection with the November 13, 2015 election of union officers held by Local 186D (local), United Food and Commercial Workers Union (National).

The Department of Labor (Department) 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 election.

You alleged that your opponent for president, William Hale, campaigned using employer resources in three instances. Section 401(g) prohibits the use employer resources to promote any candidate for office.

First, you alleged that Hale contacted Human Resources of the Bronco Winery (Bronco) to campaign at that facility. The investigation disclosed that Hale contacted Bronco's Human Resources department using a list of wineries the local provided to all candidates, including you. Merely contacting an employer's human resources office does not, in and of itself, constitute the use of employer funds or resources. There was no violation.

Second, you alleged that the employer escorting Hale throughout the plant constituted the use of employer funds. The investigation disclosed that Bronco permits union members to campaign as long as they do so in specified areas, accompanied at all times by an escort. After calling for and receiving permission to visit the facility, Hale was escorted by [REDACTED] Bronco's Human Resources Manager at that time. [REDACTED] was carrying out the policy of his employer, a permissible use of employer funds. Further, [REDACTED] would have escorted any union member, including you, had the member followed

its procedures for campaigning. No impermissible employer funds were expended in escorting Hale throughout Bronco's facility. There was no violation.

Finally, you alleged that Hale campaigned in the break room to workers who were on time paid for by the employer. The investigation disclosed that Hale was escorted to Bronco's break room where he distributed his campaign flyers to those who had signed out or were about to sign in. Hale stayed in the break room for approximately half an hour. Consequently, Hale campaigned to workers who were not on time paid for by the employer. There was no violation.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred. Accordingly, the office has closed the file in this matter.

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

cc: Anthony M. Perrone, International President
United Food & Commercial Workers (UFCW) International Union
1775 K Street, NW
Washington, DC 20006-1598

Bill Hale, President
UFCW Local 186-D
329 Downey Street
Modesto, CA 95354

Beverly Dankowitz, Associate Solicitor
Civil Rights and Labor-Management Division