



June 07, 2018

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on August 4, 2017, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA), occurred in connection with the mail ballot election of union officers conducted by the American Postal Workers Union (APWU) California Area Local, Local 4635, on April 28, 2017.

The Department of Labor conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to the specific allegations, that there was no violation of the LMRDA that may have affected the outcome of the election. Following is an explanation of this conclusion.

You alleged that the slate headed by the incumbent president posted campaign literature on APWU bulletin boards located at the Glendora and Ontario post offices. Section 401(g) of the LMRDA prohibits the use of union funds to promote the candidacy of any person in an election of union officers. 29 C.F.R. §§ 452.73.

The investigation disclosed that the campaign rules for the 2017 election prohibited the posting of campaign materials on APWU bulletin boards located at postal facilities. The investigation showed that campaign materials supportive of the incumbent president's slate were posted on APWU bulletin boards located at the Glendora and Ontario post offices. In addition, a member of your slate stated during the investigation that she posted your slate's campaign materials on an APWU bulletin board located at the La Puente post office. Also, a postal official at the Glendale post office stated during the investigation that he witnessed three postal clerks post campaign materials supportive of your slate on APWU bulletin boards located at that facility. The investigation disclosed, however, that once union or postal officials were notified of campaign postings on APWU bulletin boards, the materials were removed immediately. All such postings were made on unsecured bulletin boards that were accessible to postal employees. With the exception of the La Puente post office, the identities of the individuals responsible for the postings are unknown. In any event, such postings were supportive of the incumbent president's campaign as well as your campaign. Thus, to

the extent that the LMRDA was violated, the violations did not affect the outcome of the election.

Finally, you alleged that the union failed to place a candidate's name on the ballot. Section 401(e) of the LMRDA provides that every member in good standing is eligible to be a candidate, subject to reasonable candidacy qualifications. 29 C.F.R. § 452.35. The investigation disclosed that the member was disqualified from candidacy for failing to satisfy the meeting attendance requirement prescribed in Local 4635's constitution. Such requirement provides that a member must have attended at least two meetings during the three years preceding the election to qualify for candidacy. During the investigation the disqualified member stated that he met such requirement by attending the July 2016 and October 2016 membership meetings, and the January 2017 nomination meeting. However, individuals who attended the membership meetings provided the Department with conflicting testimonies regarding whether they actually saw the member at either meeting.

In any event, members were required to sign the meeting attendance roster to verify their attendance at a meeting. The Department's review of the meeting attendance records for the three years preceding the election showed that the member only signed the meeting attendance roster for the January 2017 nominations meeting. The LMRDA was not violated.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA that may have affected the outcome of the election, and I have closed the file in this matter.

Sincerely,



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