November 2, 2018

███████████
███████████████████

Dear ██████████:

This Statement of Reasons is in response to your complaint filed on February 5, 2018, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 481-484, occurred in connection with the election of officers conducted by the National Postal Mail Handlers Union (NPMHU), Local 303 (Local or Union), AFL-CIO, on October 3, 2017.

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

You alleged that ███████████, your opponent, placed his campaign literature on the official union bulletin boards at both Anaheim and Santa Ana Production and Distribution (P&DC) postal facilities. Section 401(c) provides that adequate safeguards to insure a fair election shall be provided and states certain specific safeguards. There must be a reasonable period prior to the election during which office-seekers and their supporters many engage in the campaigning that the Act contemplates and guarantees. 29 CFR § 452.79. Further, all candidates for office must be given an equal opportunity to campaign and the union cannot discriminate among candidates.

The Department's investigation confirmed that ███████ campaign literature as well as your literature was placed on the union's locked bulletin boards at both the Santa Ana and Anaheim facilities. The investigation established that ████████ the Santa Ana branch president acknowledged posting ███████ literature on the union's locked bulletin board. Also, the investigation revealed that former Anaheim Branch President ███████ was informed by Anaheim Branch Manager ██████████ that █████ entered the Anaheim facility and asked that his literature be posted on the union's locked bulletin board. As a result, █████ posted your literature behind the locked bulletin boards next to ███████ for equal exposure. Further, the investigation revealed that Election Judge █████████ contacted both branch president's and asked each to remove the campaign literature and both branch president's complied with his request. To the extent that the posting of campaign literature on the union's

locked bulletin boards at both the Santa Ana and Anaheim facilities constituted a violation, there was no effect on the outcome of the election because both you and █████ had an equal opportunity to post campaign literature on the union's locked bulletin boards at both facilities. There was no disparity in the use of the union's locked bulletin boards to post campaign literature.

You alleged that a candidate was improperly allowed to enter facilities and campaign at locations while other candidates were not allowed to enter those facilities. The investigation did not substantiate your allegation. The investigation revealed candidates were required to seek permission before entering the various facilities. The plant managers at LA P&DC, LA NDC and Anaheim confirmed that no candidate's request was denied. Once the candidates entered the various facilities they could campaign in break rooms, the cafeteria, to employees who were on break or while at lunch. The investigation did not reveal any evidence that you sought permission to campaign inside the facilities and were denied the ability to do so. There was no violation.

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 regarding this matter.

Sincerely,

Sharon Hanley, Chief
Division of Enforcement

cc: Paul V. Hogrogian, President
      National Postal Mail Handlers Union
      1101 Connecticut Ave., NW
      Washington, DC 20036-4325

      Eddie Cowan, President
      NPMHU Local 303
      11139 South Western Avenue
      Los Angeles, CA 90047

      Beverly Dankowitz, Associate Solicitor
      Civil Rights Labor Management Division