



June 5, 2019

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on January 3, 2019, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the October 2018 election of union officers conducted by the National Association of Letter Carriers (NALC).

The Department 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.

You raised numerous allegations that union resources were used in support of Nick Vafiades's candidacy for the position of Region 2 national business agent (NBA). In the election for that position, you supported Vafiades's opponent, [REDACTED]. Section 401(g) of the LMRDA prohibits the use of union resources to promote any candidate for union office. 29 U.S.C. § 481(g).

You first alleged that the retiring Region 2 NBA, Paul Price, attended the Oregon State Association convention and, on April 28, 2018, stood at the microphone and campaigned for [REDACTED] as his choice of candidate for his soon-to-be vacant position. You also alleged that [REDACTED] acted in the same manner at the Washington State Association convention held May 31-June 3, 2018, and again openly campaigned for Vafiades for Region 2 NBA. You alleged that these actions constituted unlawful uses of union resources to promote [REDACTED] candidacy.

The investigation confirmed that [REDACTED] addressed the delegates at both conventions. As part of its investigation, the Department reviewed video footage of [REDACTED] remarks at both conventions, as well as minutes of the proceedings.

In his remarks at the Oregon State Association convention, ██████ stated that people were talking about running for his position. ██████ went on to announce that there was one person who was qualified right now, and that was ██████ ██████ made these comments from the podium to the delegates during the regular convention proceedings ██████ was on union-paid time when he made these statements promoting ██████ as his hand-picked successor in front of a captive audience of members who were there for union business. These statements violated section 401(g) of the LMRDA. However, this violation could not have affected the outcome of the election for Region 2 NBA. As part of the investigation, Department investigators recounted all of the ballots in the Region 2 NBA race. Per the Department's recount, ██████ margin of victory was 227. The investigation established that 124 delegates attended the Oregon State Association convention at which ██████ promoted ██████ candidacy. Even if all 124 delegates were exposed to the unlawful campaigning by ██████ and subsequently voted in the election for Region 2 NBA, the margin in that race was too large for the violation to have affected the outcome.

The investigation established that ██████ did not make similar remarks at the Washington State Association convention. The investigation determined that ██████ praised ██████ along with regional administrative assistant ██████ and another staff member as his "team." He stated that the "team" was willing and able to take over and that members would be in good hands. ██████ did not promote ██████ candidacy or mention the election. With respect to this aspect of the allegation, there was no violation.

You next alleged that ██████ was not scheduled to attend the Oregon State Association convention or listed as a convention seminar instructor but that he nevertheless showed up at that convention on April 28, 2018. You alleged that ██████ must have instructed ██████ to come to the convention to campaign for the NBA position left open by ██████ retirement. You alleged that NALC paid ██████'s expenses and therefore that union resources were unlawfully used to promote ██████ candidacy.

The investigation confirmed that ██████ attended the Oregon State Association convention in Pendleton, Oregon, from Thursday, April 26, 2018, through Saturday, April 28, 2018, and that NALC paid his expenses. The investigation established that ██████ travel was authorized on April 17, 2018. ██████ was not an instructor at the convention and was never scheduled to be an instructor. ██████ was a Region 2 regional administrative assistant, and one of his duties was to attend union events within the region. There is no evidence that ██████ campaigned while he was at the convention. There was no violation of the LMRDA.

You next alleged that on the morning of June 2, 2018, at the Washington State Association convention, material supporting ██████████ campaign was placed on the tables prior to the beginning of the convention. You alleged that the documents were passed out by individuals, mostly delegates, who were being paid to attend the convention. As noted above, section 401(g) of the LMRDA prohibits the use of union resources to promote any candidate for union office. 29 U.S.C. § 481(g). In addition, section 401(c) of the LMRDA prohibits disparate candidate treatment. 29 U.S.C. § 481(c). When a union or its officers authorize distribution of campaign literature on behalf of any candidate, similar distribution under the same conditions must be made for any other candidate who requests it. 29 C.F.R. § 452.67.

The investigation revealed that ██████████ created a campaign flyer for ██████████ and placed one or two flyers on each table in the convention room prior to the start of the day's proceedings. ██████████ denied that she was on union-paid time when she worked on the flyer or that she campaigned for ██████████ on union-paid time. The investigation did not identify any rules regarding campaigning at the convention. During the investigation, ██████████ stated that he had not announced his candidacy at the time of the Washington State Association convention and that he did not request to distribute campaign literature there. There was no evidence that any other candidate requested and was denied the opportunity to distribute campaign literature at the convention. There was no violation of the LMRDA.

You also alleged that ██████████ campaign material distributed at the Washington State Association convention was created, printed, and copied using equipment in ██████████ union office and transported using union funds. You alleged that these actions constituted unlawful uses of union resources to promote ██████████ candidacy.

The investigation did not uncover any evidence that union equipment was used to create or copy ██████████ campaign literature that was distributed at the convention. ██████████ stated that she and the Region 2 office secretary created the campaign flyer on their own time using personal computer equipment. ██████████ stated that she used her daughter's printer to print 150 copies of the literature, and there is no evidence to dispute this. ██████████ further provided receipts for purchases of paper and envelopes. To the extent that union transportation funds may have been used when ██████████ or other members traveled to or from the convention with campaign material in their possession, such use was incidental to regular union business. There was no violation of the LMRDA.

You next alleged that convention delegates, all paid to be at the convention, purchased fundraising tickets while at the convention in an "on the clock" status. You alleged that convention delegates were given lottery fundraising tickets to take back home to sell them there. You alleged that the convention delegates then transported the lottery

fundraising tickets back home using transportation funds from a local NALC branch, state association, and/or NALC. You alleged that for branches not present at the convention, tickets were sent by mail to addresses that you suspected were from official NBA office mailing lists using postage paid for by the NBA office. You alleged that these actions constituted unlawful uses of union resources to promote ██████ candidacy.

The investigation confirmed that ██████ campaign sold raffle tickets as a campaign fundraiser, but the investigation did not find evidence that union resources were unlawfully used in connection with the raffle. There was no evidence that branches received ██████ raffle tickets by mail. ██████ who ran ██████ raffle, stated that she mailed tickets directly to members who told her they wanted to support ██████. At the NALC National Convention held in Detroit July 16-20, 2018, she met with members who provided her their contact information so she could send them tickets to sell. ██████ provided receipts for stamps, envelopes, and a roll of raffle tickets. There was no evidence that union resources were used. To the extent that union transportation funds were used when ██████ or other members traveled to or from conventions with raffle tickets in their possession, such use was incidental to regular union business. There was no violation.

You also alleged that ██████ campaign unlawfully used Alaska Airlines frequent flyer tickets as part of a campaign fundraiser. You alleged that the airline tickets used as the raffle prize were purchased using frequent flyer miles that had been earned through travel using union transportation funds. You alleged that this therefore constituted an unlawful use of union resources to promote ██████ candidacy.

The investigation established that NALC allows its officers and employees to use their frequent flyer miles for personal travel. However, at the time of the investigation, Vafiades had not yet purchased the tickets, and he stated that he intends to use his own money, not frequent flyer miles, to purchase the tickets. There was no violation.

You next alleged that ██████ notified you that delegates to the NALC National Convention informed him that ██████ had approached them and stated "You are going to vote for the candidate from Washington (state), aren't you?" You alleged that ██████ was on union-paid time at the convention and that his actions therefore constituted an unlawful use of union resources to promote ██████ candidacy.

The investigation did not uncover any evidence that ██████ campaigned at the national convention. You did not identify by name any members to whom ██████ campaigned at the convention, and ██████ denied campaigning there. Even if campaigning had occurred, it would not have been a violation for Price to campaign when he was not on

union-paid time, before or after the convention or during breaks. There was no violation.

You alleged that the Utah State Association held an impromptu legislative training session in the Salt Lake City area on September 15, 2018, so that NALC could cover Vafiades's costs to attend his campaign event in nearby Magna, Utah, the following day. You alleged that this constituted an unlawful use of union resources to promote [REDACTED] candidacy.

The investigation confirmed that the Utah State Association held a legislative training on Saturday, September 15, 2018, and that a fundraiser for [REDACTED] was held in the same area the next day. [REDACTED] attended both the training and the fundraiser. The investigation established that [REDACTED] paid for his own travel expenses. [REDACTED] did not submit an expense voucher for the trip to Salt Lake City, and he announced to the members at the training that he was not there on official business. Because the training and the fundraiser were held on the weekend, [REDACTED] was not required to use leave to attend the events. However, the investigation established that [REDACTED] did take annual leave on Monday, September 17, 2018, to travel from Salt Lake City. There was no violation.

You also alleged that the October 2018 issue of Branch 791's *Monthly Report* newsletter contained the branch's endorsement of the [REDACTED] Team. You noted that branch president [REDACTED] had, in the June 2018 issue of the newsletter, observed that nominations would be accepted at the upcoming national convention for Region 2 NBA because [REDACTED] was retiring. You alleged that the endorsement in the branch's newsletter violated the NALC Regulations Governing Branch Election Procedures (RGBEP). As noted above, section 401(g) of the LMRDA prohibits the use of union resources to promote any candidate for union office, and section 401(c) prohibits disparate candidate treatment. 29 U.S.C. §§ 481(g), (c).

The investigation did not establish that there was a clear NALC policy regarding branches' endorsements of candidates for NALC national officer positions. (The RGBEP govern branch officer elections, not national officer elections.) The investigation confirmed that Branch 791 endorsed the [REDACTED] slate, which included Vafiades. The endorsement was voted on by the members at a regular membership meeting after the nomination process. The endorsement was included in the Branch 791 newsletter on page 4 as part of the branch meeting minutes. The report of the endorsement took up three lines and contained no commentary. The branch endorsement was not prohibited by any clear NALC policy, and it was published in the newsletter only as part of the reporting on regular union business in the meeting minutes. There was no violation.

You next alleged that [REDACTED] assigned [REDACTED] to be in Spokane, Washington, on September 16-17, 2018. You alleged that [REDACTED] told [REDACTED] that [REDACTED] was to visit all the stations, from which you said the logical conclusion was that [REDACTED] was going to stations to campaign. You alleged that union resources were therefore used to promote [REDACTED] candidacy.

The investigation revealed that [REDACTED] traveled to Spokane, Washington, on official union business from Sunday, September 16, 2018, through Wednesday, September 19, 2018. [REDACTED] attended a Branch 442 event on Sunday, met with a safety task force on Monday, conducted station visits at three stations, and attended the Branch 442 meeting on Tuesday. She addressed a group of carriers at one of the stations. There was no evidence that [REDACTED] campaigned while she was in Spokane. There was no violation.

You also alleged that [REDACTED] and [REDACTED] traveled to many sites during the election, apparently to campaign. You stated that you doubted the truth of their claims that they paid for these trips out of their own funds. You alleged that union resources were therefore used to promote [REDACTED] candidacy.

As part of its investigation, the Department reviewed [REDACTED] travel expense statements and leave records during the relevant period. The investigation revealed that, during the election period, [REDACTED] traveled for official union business to Anchorage, Alaska; Pocatello, Idaho; Billings, Montana; Salt Lake City, Utah; and Missoula, Montana. There was no evidence that [REDACTED] campaigned while he was in these locations on union business. The investigation also revealed that [REDACTED] traveled to several locations to campaign. However, the investigation established that NALC did not pay the expenses for the trips on which [REDACTED] campaigned, and [REDACTED] was not on union-paid time while campaigning. The investigation also established that Dixon traveled for official union business to Anchorage, Alaska; Springfield, Oregon; Pocatello, Idaho; Salt Lake City, Utah; and Missoula, Montana. There was no evidence that she campaigned when she traveled to those locations. There was no violation.

Finally, you raised other allegations that, even if true, would not constitute violations of Title IV of the LMRDA.

For the reasons set forth above, the Department of Labor concludes that there was no violation of the LMRDA that may have affected the outcome of the election. Accordingly, I have closed the file on this matter.

Sincerely,



Brian A. Pifer
Chief, Division of Enforcement

cc: Fredric V. Rolando, President
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Beverly Dankowitz, Associate Solicitor for Civil Rights and Labor-Management