



March 24, 2020



Dear [REDACTED]

This Statement of Reasons is in response to your complaint to the Department of Labor (Department), received on December 13, 2019, 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 held by the American Postal Workers Union (APWU) St. Louis Gateway District Area Local (Local) on August 8, 2019.

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 election.

You alleged the Local improperly listed the candidates on the ballot in violation of your local's constitution and bylaws. Section 401(e) of the LMRDA requires unions to conduct their elections in accordance with their constitution and bylaws. 29 U.S.C. § 481(e). Article 6, Section 4(A)(6) of the APWU St. Louis Gateway District Area Local Constitution and Bylaws provides, "The official ballot shall have the following...The names of the incumbent candidates shall be placed first on all ballots, all other candidates shall be listed in alphabetical order." As the incumbent Director of Industrial Relations, according to your local's constitution, your name should have been listed first in your race. However, your name was listed second out of two nominees on the ballot. You alleged that this error had an impact on the outcome of the election.

The Department's investigation, which included inspecting the ballots and reviewing the election results, determined that the order of nominees on the ballot did not have an impact on the election outcome. There was no correlation between a candidate's success and his or her placement on the ballot. As in your race, the incumbent for the position of Secretary-Treasurer was also listed second out of two nominees on the ballot; nonetheless, the incumbent won that race. In the race for Clerk Craft Director, the incumbent was properly listed first; however, she lost. The investigation concluded

that, to the extent that the placement of candidates' names on the ballot deviated from your local's constitution and bylaws, this violation had no effect on the outcome of the election.

You raised an additional allegation, but failed to comply with the APWU's internal protest procedures. Section 402 of the LMRDA, requires a union member to exhaust internal union remedies prior to filing a complaint with the Secretary of Labor. 29 U.S.C. § 482. Accordingly, this allegation was not properly filed with the Department and was not investigated.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred that may have affected the outcome of the election. Accordingly, our office has closed the file on this matter.

Sincerely,



Chief, Division of Enforcement

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