



May 22, 2014

[REDACTED]

Dear [REDACTED],

This Statement of Reasons is in response to your December 26, 2013, complaint filed with the U.S. Department of Labor alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of national officers conducted by the American Postal Workers Union (APWU) on October 07, 2013.

The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded that the violation of the LMRDA that occurred here did not affect the outcome of the election. The following is an explanation of this conclusion.

You alleged that APWU Local 81 (Pittsburgh Metro Area) violated the LMRDA when it posted endorsements for candidates made by the local executive board on all union bulletin boards at all employer sites without following the APWU election rules. Section 401(g) of the LMRDA prohibits a union from using its funds or resources to promote or disparage a candidate for union office. Moreover, section 401(e) of the LMRDA provides that a union must conduct elections in accordance with its constitution and bylaws insofar as they are not inconsistent with the provisions of the LMRDA. *See* 29 C.F.R. § 452.2.

Section VII, B5 of the APWU elections rules states that "Local/State Union publications may print, without comment, membership endorsements, provided such endorsements of candidates are voted on at a regular membership meeting." You assert that Local 81 violated section 401(g) and this rule when it posted bulletins with the executive board's endorsements for the APWU national election without seeking a vote at a regular membership meeting.

During its investigation, the Department confirmed that, at its August 21, 2013, meeting, Local 81's executive board voted to endorse the following candidates in the APWU national election: [REDACTED]

[REDACTED] Local 81's

membership never met to endorse any candidates for the national APWU election. Local 81 mailed a bulletin dated September 12, 2013, with the executive board's endorsements on its stationery to all shop stewards for posting. Thus, Local 81 violated section 401(g) of the LMRDA and the APWU election rules by publishing the executive board's endorsement.

Under section 402(c) of the LMRDA, an election will only be set aside if the statutory violation could have affected the outcome of the election. Here, the violation could not have affected the outcome of the election. In three races, the candidates endorsed by the Local 81 executive board lost. The executive board's improper promotion could not affect the outcome of candidates who lost anyway. For the two supported candidates who won, ██████ by 2,209 votes and ██████ by 341 votes, APWU election results by local show that Local 81 cast 130 votes for ██████ and 59 votes for ██████. Thus, Local 81 members did not cast enough votes to affect the outcome for the two winning candidates.

For the reasons set forth above, the Department has concluded that the violation of the LMRDA here did not affect the outcome of the election. Accordingly, the Department has closed the file on this matter.

Sincerely,

Patricia Fox, Chief  
Division of Enforcement

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