



December 3, 2010

Dear |||||:

This Statement of Reasons is in response to your complaint filed on July 27, 2010, alleging that a violation of Title IV of the Labor Management Reporting and Disclosure Act (LMRDA), 29 U.S.C. §481-484, occurred in connection with the mail ballot election of officers in Service Employees International Union Local 721, which concluded on March 26, 2010.

The Department of Labor conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that there was no violation of the LMRDA.

You alleged that the election committee’s decision to post the candidate statements on the union’s website rather than mail them to each member constituted a violation of the LMRDA. There is no provision in the LMRDA, the international constitution and bylaws, the local bylaws, or the election rules that requires the union to mail candidate statements to its members. Therefore, there was no violation of the Act.

You alleged that the 721 Members First (721 M1) slate, led by incumbent president Robert Schoonover, used funds collected from non-SEIU voting members to finance its campaign mailings. Article 5, Section 2 of the SEIU Constitution states, *“No candidate (including a prospective candidate) for any ...office in a Local Union or supporter of any candidate may solicit or accept financial support or any other direct or indirect support of any kind from any nonmember of the International Union.”* The Department reviewed photocopies of campaign contribution checks and records of cash donations to the 721 M1 slate. The documents showed that campaign funds were raised from personal donations made by SEIU members. Therefore, there was no violation of the Act.

membership list, a single campaign call would not have affected the outcome of the election. Therefore, because the Department was unable to substantiate your allegation, it does not provide a basis for litigation.

You further alleged that the 721 M1 slate illegally used 721, the local union's designation number, in its slate name and, in doing so, misled members. There is no provision in the LMRDA, the international constitution and bylaws, the local bylaws, or the election rules that prohibits the use of the local's designation number in a slate name. Therefore, there was no violation of the Act.

Finally, you alleged that the union failed to provide adequate safeguards. Specifically, you claimed that voters were confused by the words "*By-Laws Election*" printed on the ballot return envelope. The investigation found that the words "*Bylaws Vote*" were indeed erroneously printed above the correct ballot return mailing address. The Department was unable to substantiate that voters were confused by this error and that such confusion affected the outcome of the election. Therefore, it does not provide a basis for litigation.

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

Sincerely,

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Chief, Division of Enforcement

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