



May 24, 2011

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed with the Department of Labor on January 21, 2011, alleging violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of officers for the Phoenix Domicile Vice Chairman conducted by the U.S. Airline Pilots Association (USAPA) on October 28, 2010.

The Department of Labor conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to the allegations that there was no violation of the LMRDA. Following is an explanation of this conclusion.

You alleged that, during the 2010 Phoenix domicile election for vice chairman, candidates were authorized to distribute campaign materials only to US Airways pilots eligible to vote in that domicile election but that in previous elections no such restriction was applied.

Section 401(c) of the Act, 29 U.S.C. § 481(c), requires a union to comply with all reasonable requests of any candidate to distribute by mail or otherwise at the candidate's expense campaign literature in aid of such person's candidacy to all members in good standing. *See also* 29 C.F.R. §§ 452.67, 68. The Department's investigation disclosed that USAPA 2010 election rules governed the distribution of campaign materials and that the rules were distributed to all members, including you. The rules informed members that USAPA had made arrangements with Allied Union Services to print candidates' campaign material and to distribute such material to eligible voters by postal mail or by e-mail. The election rules also stated that a candidate should use the form and contact information on the union's website if the candidate wanted to have campaign literature distributed by Allied Union Services. The rules further stated that the company would charge candidates a one-time set-up fee of \$100.00 and a fee of \$85.00 for each electronic transmission of campaign material to the email addresses of pilots assigned to the Phoenix domicile.

The investigation disclosed that, on October 26, 2010, two days prior to the end of the election, you sent an email to Allied Union Services stating, "would like to send out an email campaign blast to all US Airways Pilots. . . I would like the email blast to go out 10/27/10." You wanted it to go to all USAPA members assigned to the various domiciles as well as non-members. However, you never made any arrangements with Allied Union Services for a campaign blast. Therefore, your October 26 email did not constitute a legitimate request for a campaign distribution.

To the extent that your October 26 email may be construed as such a request, the investigation did not substantiate that the request was reasonable. Your October 26 email concerning the campaign blast was made only 24 hours before you wanted the blast to go out. You wanted it to go to all USAPA members as well as non-members. Only pilots assigned to the Phoenix domicile were eligible to vote in the Phoenix domicile election for vice chairman. The USAPA, therefore, forwarded a roster to Allied Union Services containing the names and available email addresses only of those pilots. In order for you to have obtained a campaign blast to all USAPA members and to non-members on October 27, the union would have been required, within that 24-hour period, to compile the names and available email addresses of the 2,200 USAPA members who are not assigned to the Phoenix domicile, obtain the names and email addresses of the 1,600 pilots who are not members of USAPA, and then forward this information to Allied Union Services.

Further, the investigation established that you never made arrangements with Allied Union Services for a campaign blast and that you did not provide any campaign materials to the company or USAPA for such blast such that an email blast could be made. Nor did you pay the required one-time set-up fee of \$100.00 and the fee of \$85.00 for the electronic transmission of the blast. On these facts, the union can not be said to have failed to comply with a reasonable request to distribute campaign literature.

Finally, regarding your remaining allegations, you alleged that the union failed to comply with the requirements of the conflict of interest disclosure form. You further alleged that a change in the professional standards policy left pilots with no avenue to mitigate hostile work environment issues. However, such allegations concern internal labor-management issues and, thus, even if true, they would not constitute violations of the LMRDA. Therefore, these allegations are dismissed.

For the reasons set forth above, it is concluded that there was no violation of the Act and I have closed the file on this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Michael J. Cleary, President
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