



May 15, 2023



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed with the Department of Labor (Department) alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 481-483, occurred in connection with the election of officers conducted by the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Local 659 on June 25, 2020.

The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded, with respect to your allegation, that there was no violation of the LMRDA that may have affected the outcome of the election.

You alleged that Local 659's election rules prohibited in-person campaigning at the union hall and on company property, and therefore denied candidates the ability to campaign on a level playing field and created an unfair advantage for incumbents. Section 401(c) of the LMRDA, 29 U.S.C. § 481(c), requires unions to provide adequate safeguards to ensure a fair election. Such safeguards are not required to be included in the union's constitution and bylaws, but they must be observed. 29 C.F.R. § 452.110(a).

You alleged that despite the election rules some Local 659 candidates actively campaigned at the worksites, during breaks or "on the sly," while other candidates, by virtue of their retiree status, were denied entry to the worksites and/or denied access to the union hall to campaign to voters. The Department's investigation revealed that during the election period, management extended campaigning prohibitions that had been implemented in past elections to the exterior of the plants (parking lots and plant entrance gates) which is where Local 659 candidates had traditionally campaigned prior to the COVID-19 pandemic. Campaigning at the union hall in past elections consisted of campaigning in the union hall parking lot, about 25 feet away from voters. However, the investigation revealed that COVID-19 measures during the election prohibited this practice as well.

The Department's investigation revealed that Local 659's candidate rules (*i.e.*, election rules) stated: "Per unit management, all UAW Local 659 Units have decided there will be no person to person campaigning on company property. This will also include UAW Local 659 Union Hall. If you need assistance getting campaign literature into the plant, please call Duane Ballard @ [phone number]." Local 659 asked all candidates to sign an election rules acknowledgement form and you signed this form. The investigation revealed that multiple candidates nevertheless campaigned at worksites. The Integrity Slate was able to distribute its campaign literature at the Flint Metal Center (FMC) Plant in the break areas and on bulletin boards. You ran against that slate as an independent candidate for trustee. You were also able to distribute your campaign literature at the FMC Plant by giving your campaign material to another member who brought it into the worksite on your behalf. At the Flint Engine Operations (FEO) Plant, an Integrity Slate candidate for trustee, Anthony Davis, campaigned by handing out small campaign cards to approximately five to ten employees. Finally, an independent candidate for president, ██████████, tried to campaign outside eight or nine plants during the campaign period but the employer asked him to leave each time shortly after he arrived.

To the extent these campaign activities were a violation, the effect of the violation is offset because both you and your opponents engaged in similar campaign activity. Moreover, the outcome of the election could not have been affected. You lost your race for trustee by a margin of 300 votes. ██████████ lost his bid for president by 538 votes. The other races in the election were decided by larger margins of between 584 and 806 votes. OLMS reviewed the number of voters at the FMC Plant where campaign literature was distributed and determined that the campaign literature at that worksite could not have affected the outcome of the election. Adding the five or ten voters to whom Davis campaigned does not change this result. The investigation revealed no evidence that the prohibition on in-person campaigning was created for any reason other than as a precaution in response to COVID-19 and no evidence that it was applied unevenly to candidates. Plant management monitored the worksites and quickly addressed campaigning as it occurred. Additionally, there were alternative campaigning methods available to all candidates such as social media, phone calls and campaign mailings. There was no violation of the LMRDA that could have affected the election's outcome.

Next, you included an allegation in your complaint to the Department that was not raised in your protest to the union. Section 402(a) of the LMRDA requires that a member exhaust the remedies available under the union's constitution and bylaws before filing a complaint with the Secretary of Labor. 29 U.S.C. § 481(a). This allegation was not properly exhausted and, for that reason, is dismissed.

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

Sincerely,



Chief, Division of Enforcement

cc: Shawn Fain, UAW President
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