



March 24, 2015



Dear [REDACTED]:

This Statement of Reasons is in response to your August 4, 2014 complaint filed with the U.S. Department of Labor alleging that the American Postal Workers Union (APWU) Local 375 violated Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA), in connection with the election of officers conducted on May 16, 2014.

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.

You alleged that the Members Team, which won six of the eleven contested positions, including president, violated postal management rules – the “Do’s and Don’ts for Postal Supervisors” – which the Local Election Committee Chair distributed on March 26, 2014 at a candidates’ meeting. Specifically, you alleged that the Members Team gained an advantage by placing campaign posters and materials in prohibited areas, including on union bulletin boards, time clocks, walls in the maintenance room, and multiple locations on the work room floor.

Section 401(c) of the LMRDA prohibits disparate treatment of candidates for union office, and it also requires that unions provide adequate safeguards to insure a fair election. Section 401(g) of the LMRDA bars the use of employer resources to promote a candidate. The Department's regulations explain that, if candidates distribute materials on employer property for one candidate, then all other candidates must be afforded an equal opportunity. 5 CFR § 452.67.

The Department's investigation concluded that managers at both the Processing and Distribution Center (P&DC) and Logistics and Distribution Center (L&DC) removed all campaign material that was improperly posted, without regard to which slate the material promoted. Further, all of the candidates were permitted to send campaign mailings, campaign outside the employee entrances, and post campaign literature in designated areas of break rooms. All candidates received the same treatment. Therefore, there was no violation of the LMRDA.

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

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

cc: Mr. Rick Parish, President  
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