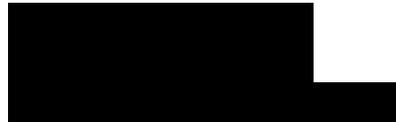




June 23, 2010



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint dated March 11, 2010, filed with the United States Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as amended ("LMRDA"), 29 U.S.C. §§ 481-484, occurred in connection with the election of officers by the International Brotherhood of Teamsters, Local 705 ("Local 705" or "local"), conducted on December 5, 2009.

The Department of Labor ("Department") conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that there was no violation that may have affected the outcome of the election.

Section 401(c) of the LMRDA, 29 U.S.C. § 481(c), provides that adequate safeguards to ensure a fair election shall be provided. You alleged that the local failed to provide adequate safeguards in three ways.

First, you alleged that the local failed to provide adequate safeguards because there were "missing" return ballots that were not included in the tally. The union arranged for ballots to be returned in business reply envelopes. The post office charged the union 51 cents for each returned business reply envelope. You alleged that 3,531 ballots were missing because the cost of total postage for return ballot envelopes was inconsistent with the number of return ballot envelopes received. Specifically, you claimed that \$4,500 was paid for postage for the return ballot envelopes received by the Pilsen Post Office. Accordingly, 8,823 return ballots should have been collected from the post office on the day of the tally instead of the 5,292 reported by the Election Monitor.

Your allegation of missing ballots was based on additional circumstances, including the fact that one of the postal receipts was missing at the time the tally was conducted and the fact that the ballots were not maintained in locked and sealed envelopes. You claimed that the Pilsen Post Office was selected for use by Local 705 because someone from the local had an insider working there to help execute a scheme to cause return ballot envelopes to go missing. Additionally, you alleged that the 3,531 missing return ballots were those of African-American members who you believed were more likely to

vote for you and that the postal insider would have identified African-American members by targeting zip codes where greater numbers of African-Americans reside. You maintained that the African-American members' return ballots were prevented from being included in the tally by one or more of the following ways: removed and discarded; purposely sent back to the member's home address as undeliverable; or redirected within the postal service causing ballots to be returned back to the Pilsen Post Office too late to be included in the tally.

The OLMS investigation did not support your allegation that there were missing return ballots that were not included in the tally. There was no evidence that the total postage was \$4,500 and, therefore, a greater number of return ballots should have been collected. The Election Monitor ultimately received the missing receipt from the post office and the OLMS reconciliation of the number of pieces of mail (based on the number of ballots tallied, void/blank ballots, challenged/unopened, and one incorrect return envelope) matched the number of pieces that were charged to ESS by the post office. Moreover, the return ballot envelopes were tested and compared against the overall ballot mailing list based on zip codes. Zip codes representing Chicago's south and southwest sides, areas where you suggested that African-Americans reside in greater numbers and, according to your allegation, whose return ballot envelopes were missing had some of the highest number of returned ballots. In fact, OLMS found that voter participation rates in these zip codes nearly matched that of the overall membership. Finally, OLMS found no evidence of ballot tampering nor any evidence to support your allegation of collusion with a postal employee or that the Pilsen Post office was chosen by someone at Local 705 as part of an overall scheme to commit election fraud. Accordingly, there was no violation that may have affected the outcome of the election.

Second, you alleged that the local failed to provide adequate safeguards because ballots were left unsecured in the post office. Specifically, you alleged that returned ballots were stored in trays instead of locked mail bags as had been done in past elections. The OLMS investigation revealed evidence that the trays containing the voted ballots never left the secure area of the post office. Additionally, there was no evidence that any tampering of the ballots had occurred at the post office. There was no violation that may have affected the outcome of the election.

Third, you alleged that the local failed to provide adequate safeguards because the post office selected to handle the election mail was the one that Local 705 uses for daily mail runs instead of the main Post Office in Chicago, which is not frequented by the local. You claimed that the Pilsen Post office was susceptible to less accountability because someone from the incumbent slate had an inside connection there. The OLMS investigation revealed that the decision to use the Pilsen Post Office was made by ESS, which made the arrangements through a USPS representative in New York based on

the fact that Pilsen Post Office provided service on Saturdays. Local 705 played no role in the selection of the Pilsen Post Office. There was no violation that may have affected the outcome of the election.

For the reasons set forth above, the Department concludes that there was no violation of the LMRDA affecting the outcome of the election, and I will close the file in this matter.

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

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