

U.S. Department of Labor

Office of Labor-Management Standards
Detroit District Office
211 West Fort Street
Suite 1313
Detroit, MI 48226
(313) 226-6200 Fax: (313) 226-4391



April 1, 2010

[REDACTED]

Dear [REDACTED]:

This is in response to your letter dated March 9, 2010, which was received on March 8, 2010, in which you seek to file a complaint with the Secretary of Labor challenging the election of officers conducted by American Postal Workers Union (APWU) Local 295 (Detroit District Area Local) on November 25, 2009.

The Office of Labor-Management Standards (OLMS) of the U.S. Department of Labor enforces provisions of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), including those which govern union officer elections.

Section 402 of the LMRDA provides that before a member may file an election complaint with the Secretary of Labor, he or she must first exhaust the remedies available under the constitution and bylaws of the labor organization and of any parent body, or must pursue such remedies for three calendar months without obtaining a final decision.

This office has reviewed the correspondence you submitted and the appropriate provisions of the APWU Constitution and Bylaws dated August 22, 2008. Article 12, Section 8 of the Constitution and Bylaws states: "Any member who feels aggrieved in connection with the conduct of a local, state or regional election shall file his/her grievance with the election committee within seventy-two (72) hours after his/her grievance arises." You advised OLMS that you first learned of the matter contained in your protest in August or September 2009. However, your protest was marked as being received by the APWU Detroit District Area Local on October 16, 2009, well more than 72 hours after you first became aware of the issue. Since you did not timely file your internal election protest, you have not satisfied the requirements of Section 402 of the LMRDA. Consequently, OLMS cannot act on your complaint.

I am enclosing a copy of the LMRDA and an OLMS pamphlet entitled *Union Officer Elections - A Complainant's Guide*. Please contact Investigator [REDACTED] at [REDACTED] if you have any questions.

Sincerely,

Ian Burg
District Director

Enclosures