



June 21, 2010



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed on April 13, 2010. You alleged that a violation of Title IV of the Labor Management Reporting and Disclosure Act of 1959 ("LMRDA" or "Act"), 29 U.S.C. § 481-484, occurred in connection with the National Education Association of Alaska ("NEA Alaska"), an affiliate of NEA National ("Union"), election of NEA Director held on February 19, 2010, through March 20, 2010.

The Department of Labor ("Department") conducted an investigation of your allegation. As a result of the investigation, the Department has concluded that there was no violation of the LMRDA affecting the outcome of the election.

You alleged that the winning candidate for the position of NEA Director, Tim Parker, violated the Act by producing campaign materials which displayed the union logo and gave the impression that the Union had endorsed his candidacy. Section 401(g) of the Act provides that "no moneys received by any labor organization by way of dues, assessment, or similar levy, and no moneys of any employer shall be contributed or applied to promote the candidacy of any person in an election." 29 U.S.C. § 481(g). The use of a logo on campaign literature may constitute a violation of Section 401(g) of the LMRDA in certain circumstances, including where the union claims a proprietary interest in use of the logo and prohibits its use. Here, the investigation revealed that the NEA logo is the property of the Union as an institution. The Campaign and Election Regulations for NEA officers under Section D states, "Neither the NEA logo nor the symbol of the united education profession may be used by candidates on campaign material." Additionally, NEA Alaska's campaign rules clearly prohibited the use of the logo.

The investigation revealed that at the Delegates' Assembly meeting in January 2010, Parker distributed campaign materials containing the NEA logo. As NEA has clearly claimed a propriety interest in the logo and prohibited its use on campaign materials, its use in this circumstance was a violation of section 401(g). The NEA Alaska Election Committee Chairman informed Parker that he was not allowed to use the union logo, and Parker immediately removed the materials. Additionally, the NEA Alaska Board

met on the issue prior to the election and recommended that the following disclaimer be placed on the internet voting log-in page:

“NEA has not endorsed Tim Parker and has not authorized the use of its logo in any campaign material.”

The disclaimer appeared on the screen throughout the entirety of the voting period. All voters in the election, with the exception of 4 members who voted using paper ballots, used the site to vote. The margin of victory was 180 votes and the four members who may not have viewed the disclaimer could not have affected the outcome of the election. Therefore, the Department determined that the actions taken by NEA Alaska prior to the election sufficiently remedied the violation of the Act.

It is concluded from the analysis set forth above that the investigation failed to disclose any violation of the Act which may have affected the outcome of the election. Accordingly, I am closing the file on this matter.

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

cc: Dennis Van Roekel, President
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Katherine Bissell, Associate Solicitor for Civil Rights and Labor-Management