



July 26, 2011

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to the complaint that you filed with the United States Department of Labor on May 16, 2011, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 481-484, occurred in connection with the election of officers for Local 512 of the American Postal Workers Union, AFL-CIO, (APWU) completed on March 6, 2011.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that there was no violation of the Act.

You alleged that the Local failed to adequately secure voted ballots prior to the tally. More specifically, you challenge the Local's decision to pick up the returned ballots from the return post office box in Annapolis Junction, Maryland, and move them to Centreville, Maryland, for storage until the ballot tally on March 6, 2011. Section 401(c) of the Act provides, among other things, that "adequate safeguards to insure a fair election shall be provided." The Department's investigation confirmed that two members of the Election Board responsible for the conduct of the election picked up the tub of returned ballots on March 3, 2011, at the Annapolis Junction post office. The two board members sealed the tub with packing tape, signed their names over the tape, and stamped it with the Annapolis Junction date stamp. One of the two board members then transported the sealed tub to the Centreville post office where it was stored in the post office vault until the ballot tally on March 6, 2011. Article 11, Section 14 of the Local's bylaws requires that ballots be picked up from the post office on March 3 and counted by March 7, or the first business day thereafter in either instance.

The investigation found no evidence that the actions taken were inadequate to safeguard the fairness of the election. The investigation found that the only persons with access to the vault were the Centreville Postmaster and Assistant Postmaster, as well as one of the two Election Board members who transported the tub. Moreover, the investigation found that when the tub was readied for the tally it was in the same condition as when the two Election Board members had sealed it. The investigation also included a review of the ballots. The review found no indication of ballot

substitution; the paper, printing, and color of the ballots were consistent; found no unusual markings on the ballots or the envelopes; found no indication that the ballots were all marked using the same pen; and found no indentations on the ballots that would indicate they were marked in stacks. There was no evidence of ballot fraud or tampering. There was no violation of the LMRDA.

You also allege that members were denied the right to vote because your ballot and the ballot of another member were not included among the returned ballots and, thus, not counted in the tally. Section 401(e) of the Act provides that every member in good standing is entitled to one vote and that those votes be counted. The investigation confirmed that neither your ballot, nor the ballot of another member whose name you provided to the Department, were included in the tally. The investigation revealed no evidence that the ballots were not included in the tally as a result of the Local's actions. The investigation confirmed that you and the other member in question were both sent ballots. There is no evidence that timely returned ballots were omitted from the return ballot collection on March 3 or the tally on March 6. There was no violation of the Act.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA, and I have closed the file in this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

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