



March 12, 2012

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your October 31, 2011 complaint 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) occurred in connection with the June 25, 2011 election of union officers held by District Council 88 of the International Union of Painters and Allied Trades, AFL-CIO (District Council 88).

The Department of Labor conducted an investigation of each of your allegations. As a result of the investigation, the Department concluded that no violation of the LMRDA occurred that could have affected the outcome of the election.

You alleged that [REDACTED] all salaried employees of District Council 88, campaigned for Business Manager/Secretary-Treasurer candidate [REDACTED] on union time. Section 401(g) of the LMRDA prohibits the use of union or employer funds to promote the candidacy of any person. Campaigning on paid-union time violates the section 401(g) prohibition. The Department's investigation confirmed the findings of the IUPAT General President and General Executive Board that the campaigning was conducted on the District Council 88 employees' own time.

The Department's investigation found that [REDACTED] made campaign phone calls on behalf of [REDACTED]. However, [REDACTED] made the calls on his own time and without using the facilities of the union. There was no violation of the LMRDA.

The investigation revealed that [REDACTED] campaigned for [REDACTED] on election day. The investigation revealed that [REDACTED] also campaigned for [REDACTED] on election day. The day of the election (June 25, 2011) was a Saturday, which is not a workday for District Council 88 employees, including [REDACTED]. Thus, any campaigning they did on election day was on their own time and did not involve the use of union funds. There was no violation of the LMRDA.

The Department investigated your allegation that [REDACTED] campaigned at the Dallas Convention Center on June 23, 2011. The investigation revealed that [REDACTED] requested and took a vacation day on June 23, 2011. She also used her personal vehicle to travel to the Convention Center. [REDACTED] did not use any union funds when she promoted [REDACTED] slate.

You also alleged that on June 23, 2011 [REDACTED] told union members that [REDACTED] slate was "union endorsed." The Department's investigation found no evidence to support your allegation. Furthermore, even if [REDACTED] made such a statement, it would not violate the union's constitution and bylaws or the LMRDA because she was on vacation (not union or employer time).

The Department interviewed numerous union members during its investigation, but found no evidence that District Council 88 employees campaigned on union time or otherwise used union funds to promote a candidate. Therefore, there was no violation of the LMRDA.

Additionally, you complained that [REDACTED] took your campaign literature out of [REDACTED] hand. Both IUPAT's and the Department's investigation revealed that [REDACTED] found the incident comical, not intimidating and that it did not affect his vote. Moreover, one vote would not have affected the outcome of the election.

For the reasons set forth above, the Department of Labor has concluded that no violation of the LMRDA occurred that could have affected the outcome of the election. Accordingly, the office has closed the file on this matter.

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

cc: James A. Williams, General President  
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