



May 8, 2013

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed on December 28, 2012 with the Department of Labor alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the re-run election for chief steward of the Service Employees International Union (SEIU), sub-local 99, that was held by mail ballot and completed on August 16, 2012. The sub-local is affiliated with SEIU, Local 503 (Local 503).

The Department of Labor conducted an investigation of your allegation. As a result of our investigation, the Department has concluded, with respect to your allegations, that there was no violation that may have affected the outcome of the re-run election.

You alleged that sub-local 99 Elections Committee Chairperson [REDACTED] used member e-mail addresses she obtained from Local 503 while serving as the sub-local 99 president to send a campaign e-mail to members that promoted the candidacy of [REDACTED] who was elected chief steward in the re-run election. You ran against [REDACTED] for the chief steward position. Section 401(g) of the LMRDA provides that no moneys received by any labor organization shall be applied to promote the candidacy of any person in an election subject to Title IV. This prohibition applies to all union resources, including union lists. The Department's investigation established that [REDACTED] used e-mail addresses from a union list to send a campaign email to 125 members. This violated section 401(g) of the LMRDA.

The LMRDA only requires that an election be voided and a new election held where a violation may have affected the outcome of the election. 29 U.S.C. § 482(c)(2). Of the 125 members who were sent the campaign e-mail by [REDACTED] 26 voted in the election. An examination of the return ballot envelopes from those 26 members revealed that 3 were postmarked on July 27, 2012, the day before [REDACTED] sent the e-mail. Consequently, the campaign e-mail [REDACTED] sent on July 28, 2012 could not have affected these three votes. The number of votes that may have been affected by the campaign email that [REDACTED]

sent was 23. Inasmuch as [REDACTED] margin of victory was 59 votes, these 23 votes could not have affected the outcome of the chief steward election.

The investigation also revealed that you used a list of member phone numbers that you compiled while serving in a union position, to promote your candidacy to members. The use of a list of member phone numbers such as the one you compiled is a union resource which cannot be used to promote the candidacy of any candidate in an election subject to Title IV. 29 U.S.C. § 481(g). You acknowledged that you called 24 members from this list and reached 12 of them to campaign. Consequently, as many as 12 votes may have been affected by your improper use of a union phone list you compiled while in a union position. The effect of this violation would further increase the margin by which you lost the race for the chief steward position.

For the reasons set forth above, the Department has concluded that there were no violations of Title IV of the LMRDA that may have affected the outcome of the election, and I am closing our file regarding this matter.

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

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