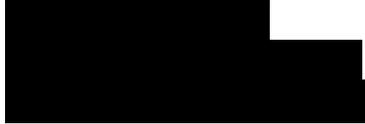




December 22, 2014



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed with the U.S. Department of Labor on June 23, 2014. Your complaint alleges that numerous violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) as made applicable to elections of federal sector unions by 29 C.F.R. §458.29 and the Civil Service Reform Act of 1978, occurred in connection with the March 20, 2014 run-off election of officers for American Federation of Government Workers Local 547.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to each of your specific allegations, that there was no violation that may have affected the outcome of the election.

First, you alleged that the return ballot envelopes were not pre-addressed with the post office box used for the receipt of voted ballots. Section 401(e) of the LMRDA states that "every member in good standing . . . shall have the right to vote for . . . the candidate or candidates of his choice" and that elections "shall be conducted in accordance with the constitution and bylaws of such organization."

AFGE's Constitution, Appendix A, Part 1, Section 5(e)(1) provides that the election committee shall mail ballots along with properly marked envelopes in which to return ballots to the election committee. AFGE's position is that if the election committee failed to preaddress each return envelope but included the proper return address in its instructions, there would not be a violation that could have had an impact on the outcome of the election. Additionally, the AFGE Election Manual provides that the return ballot envelopes should be pre-addressed to the post office box for returned voted ballots. AFGE's position is that preaddressing return envelopes is a best practice, but the failure to do so, where instructions include the return address for the ballot, is not a violation of the rule.

The Department's investigation revealed that the return ballot envelopes were not pre-addressed with the post office box address used for the receipt of voted ballots. However, the instructions clearly provided the address to return a voted ballot and members were not denied the opportunity to vote by having to address the return

ballot envelope. In addition, the Department's regulations provide that it will accept a union's interpretation of its constitution unless it is clearly unreasonable. 29 C.F.R. § 452.3. AFGE's interpretation that failure to preaddress return envelopes, where instructions include the return address for the ballot, does not violate the rules set out in its Constitution and Election Manual, is not clearly unreasonable and is accepted. There was no violation.

You also alleged that a new membership list was not used for the run-off election and that new members did not receive a ballot. Section 401(e) states that "every member in good standing . . . shall have the right to vote for . . . the candidate or candidates of his choice." The investigation revealed that the Election Chair printed mailing labels on February 28, 2014 from the AFGE national member database for the March 3, 2014 mailing. Between December 1, 2013 (after the general election) and February 28, 2013 (when the labels were generated), 24 members joined the local. OLMS talked to ten of these new members and seven stated they received a run-off ballot while three stated they were not sure. The duplicate list of labels used for the run-off ballot mailing disclosed that all 24 members appeared on the list. Additionally, after the March 3, 2014 mailing, the Election Chair received SF 1187 forms from new members and mailed these new members ballots. There was no violation.

Finally, you alleged that the Election Chair went alone to the post office and removed undeliverables from the union's post office box without notice to candidates. Section 401(c) of the LMRDA provides that "[a]dequate safeguards to insure a fair election shall be provided."

The investigation determined that candidates were notified by the Election Chair via text message or email that she intended to check the post office box on March 17, 2014. In addition, the date when the Election Chair was going to check the post office box for bad addresses had been established at a union meeting held in December 2013 or January 2014. There was no violation.

For the reasons set forth above, the Department concludes that there was no violation that may have affected the outcome of the election. Accordingly, I have closed the file on these matters.

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

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