



December 11, 2014

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your August 25, 2014 complaint filed with the U.S. Department of Labor alleging that United Automobile, Aerospace & Agricultural Implement Workers (UAW) Local 647 violated Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA), in connection with the election of officers conducted on April 22 and 23, 2014.

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

You allege that union and employer funds were used to promote the campaigns of incumbent candidates. Specifically, you allege that on April 14, 2014, management officials at the GE Aviation facility in Evendale, Ohio held a meeting in which candidates on incumbent President Gary Jordan's slate were allowed to campaign and distribute literature to members on union and company time. You also assert that no invitation was extended to other candidates running for election.

Section 401(g) of the LMRDA prohibits the use of union or employer funds to promote the candidacy of any individual. Section 401(c) of the LMRDA also prohibits disparate candidate treatment. See also 29 C.F.R. §§ 452.73, 452.78.

The investigation revealed that candidates on Jordan's slate addressed a captive audience of employees during GE Aviation's monthly "safe start" meeting on April 14, 2014. The investigation also revealed that at least one candidate on Jordan's slate, [REDACTED], was on employer time. The evidence was inconclusive on the question of whether other candidates on Jordan's slate were in fact on union or employer time while campaigning at the meeting. Additionally, the investigation disclosed that other candidates were not aware of the safe start meeting on

April 14, 2014; however, the investigation confirmed that GE Aviation provides all candidates with equal access to its facilities to campaign on personal time.

Nonetheless, the investigation showed that only 54 local members were present at the meeting. Thus, any violation extended to only 54 members. The smallest margin of victory in the election was 143. To the extent that union and employer funds were used to promote the campaigns of incumbent candidates, the 54 votes potentially tainted by this violation were insufficient to have affected the outcome of the election. Consequently, this violation does not provide a basis for litigation by the Secretary.

You also allege that the local allowed members to take campaign materials of President Gary Jordan's slate into the voting place in violation of Article XII of the local's bylaws.

The LMRDA prohibits campaigning within a polling place and allows unions to prohibit campaigning within a specified distance of a polling place. See 29 C.F.R. § 452.111. The LMRDA contains no prohibition on individual members taking campaign materials into the polls. The LMRDA requires unions to conduct officer elections in accordance with the constitution and bylaws of the organization. Article XII, Nominations and Election of Officers, Section 21 of the local's bylaws prohibits campaigning, posters, and election literature in and around the voting place or within 25 feet of the entrance of the voting place.

The investigation disclosed that the local does not interpret this rule to prohibit members from bringing campaign literature with them when they vote but rather to prohibit actual campaigning and posting of literature within 25 feet of the voting place. Candidates carrying and distributing campaign materials would clearly fall under this prohibition. While there is evidence that some members who voted at the Evendale polling site took campaign materials with them when they voted, there is no evidence that campaigning or posting of literature occurred inside the polling site.

Moreover, Article XII, Election Committee Duties, Section 3, #9 of the local's bylaws requires election officials to inspect election booths regularly to remove slates and campaign material left there. The investigation confirmed that election committee members inspected the polling place and immediately removed and discarded any leftover campaign materials. Furthermore, there is no evidence that such incidents were widespread or that election officials did not adequately monitor the voting area.

Additionally, the investigation revealed that when candidates were observed campaigning too close to the entrance of the voting place, election officials quickly directed them to areas extending beyond 25 feet of the voting place and that candidates immediately complied with the request. Under these circumstances, there is no probable cause to believe that the LMRDA was violated.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred. As to allegations in your complaint to the Department not addressed in this Statement of Reasons, these issues were not raised in your internal protests and are not properly before the Department. Accordingly, the office has closed the file on this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

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