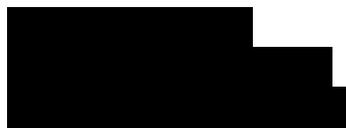




June 18, 2014



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint that you filed with the U.S. Department of Labor on October 28, 2013, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of officers of National Association of Letter Carriers (NALC) Branch 1100 that was conducted by mail ballot and concluded on July 8, 2013.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that, to the extent any violations of the LMRDA occurred during the conduct of the election, any such violation did not affect the outcome of the election, and thus the Department will not take action to set aside the election results.

You first alleged that Branch 1100 violated NALC local branch election procedures by failing to hold the election at least 4 weeks after nominations. In general, the LMRDA requires that unions conduct their elections in accordance with their constitution and bylaws. 29 U.S.C. § 481(e). Section 6.1 of the NALC Regulations Governing Branch Election Procedures does provide, as you alleged, that nomination notices should be sent out 4 weeks before the election. However, the investigation found that nominations were held on Tuesday, June 11, 2013, 28 days prior to the mail ballot return deadline and tally on July 8, 2013, and thus conformed to the applicable NALC Regulation. Thus, there was no violation of the LMRDA with regard to this allegation. Further, the investigation found that all members were informed in April of the timeframe for the election via notices of nomination and election published in the Branch 1100 newsletter and *The Postal Record*, another union publication. Accordingly, even if the dates had not conformed to the NALC regulation, there was no evidence that candidates had insufficient time to campaign or that there was any effect on the outcome of the election.

You further alleged that the union violated the LMRDA when [REDACTED], a manager at the Laguna Niguel station, held a raffle for gift cards for members who showed her their ballots as proof they had voted. The LMRDA requires that elections must be conducted by secret ballot (*see* 29 U.S.C. § 481(b)), that adequate safeguards to ensure a fair election be provided (*see* 29 U.S.C. § 481(e)), and that no employer or union funds can be used to promote the candidacy of any person in the election (*see* 29 U.S.C. § 481(g)). However, upon investigation, the Department determined that none of these provisions were violated.

The investigation found that [REDACTED] had two \$25 gift cards and decided to hold a raffle to increase voter participation. However, members did not have to give or show [REDACTED] their voted ballots and did not have to tell [REDACTED] for whom they voted in order to participate in the raffle. They only had to show their sealed ballot envelope. [REDACTED] did not engage in any campaigning while this raffle was taking place, so the secret ballot and adequate safeguards protections of the LMRDA were not violated. Further, the gift cards were not purchased using employer or union funds; rather, the gift cards belonged to [REDACTED] personally. Accordingly, the prohibition on the use of employer or union funds was not violated. Further, the Department found that upon hearing complaints about the raffle, [REDACTED] cancelled it and the gift cards were not distributed. In sum, there was no violation of the LMRDA with regard to this allegation.

You further alleged that Branch 1100 officers campaigned at the San Pedro and Rosemead postal facilities while on paid union time. Although you did not provide any details on the specific officers involved, another member alleged that Senior Vice President David De La O and President Barbara Stickler were the officers who engaged in these activities. While Section 401(g) of the LMRDA prohibits the use of union funds, including paid union time, to promote the candidacy of a member, LMRDA regulations also clarify that campaigning by union officers that is incidental to regular union business does not violate the Act. 41 CFR §§ 452.73, 452.76.

The investigation found that De La O visited the Rosemead station on March 1, 2013, to conduct a station visit, and arranged to meet a shop steward prior to the start of that visit in order to request the steward's support in the election. Union records confirmed that De La O's Rosemead visit was for union business reasons. Even assuming De La O's actions constituted improper campaign activities, there was no evidence (or, indeed, any allegation) that he engaged in any other campaign activities besides his discussion with this one shop steward, and thus his communication with one member could not have affected the outcome of an election in which the narrowest margin was 233 votes. *See* 29 U.S.C. § 482(c) (specifying that court will only set aside election results if violation may have affected the outcome of the election). Similarly, the investigation found that Stickler made a station visit to San Pedro on February 4, 2013, to meet with

the shop steward concerning a grievance. After the discussion of the grievance concluded, and outside the San Pedro station, Stickler asked the shop steward for his support in the election. For the same reasons discussed above, this does not constitute a violation that could have affected the outcome of the election.

Finally, you alleged that President Stickler gave a balloting company vendor a \$100 reward at the tally after the ballots were counted, indicating possible illegal influence on the outcome of the election. The investigation did not substantiate this allegation. Rather, the investigation found that a balloting company employee handed Stickler \$20 at lunch time on the date of the tally in order to buy a birthday cake to surprise the owner of the balloting company. The cake cost approximately \$15, and Stickler attempted to give \$5 back in change to the balloting company employee, who at first refused but subsequently accepted. Thus, there was no evidence of any kind of bribe or payoff with regard to the election. Further, the Department recounted votes for some of the offices and found no meaningful discrepancy between the raw ballots returned and the union's tally. There was no violation of the LMRDA with regard to this allegation.

For the reasons set forth above, it is concluded that no violations of the LMRDA occurred in this election that affected the outcome of the election, and I have closed the file in this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Fredric V. Rolando, President
National Association of Letter Carriers
100 Indiana Avenue N.W.
Washington, DC 20001

Barbara Stickler, President
NALC Branch 1100
13252 Garden Grove Boulevard
Garden Grove, California 92843

Christopher Wilkinson, Associate Solicitor
Civil Rights Labor-Management Division