



September 29, 2014



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint filed with the U.S. Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of officers conducted by the National Postal Mail Handlers Local 301 on December 10, 2013.

The Department of Labor conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to the specific allegations, that there was no violation of the LMRDA that may have affected the outcome of the election. Following is an explanation of this conclusion.

You alleged that the winning candidate for president, Rene Morissette, and the winning candidate for vice president, Hiram Velez, violated the Supplemental Rules for the Election of Officers issued by the Election Judge when they campaigned inside the cafeteria at Brockton postal facility and inside the Providence postal facility and they were not employed at these facilities. Section 401(e) of the LMRDA requires a union to conduct its election of officers in accordance with its constitution and bylaws. 29 C.F.R. §§ 452.2, 452.109.

The investigation disclosed, however, that the Supplemental Rules are not part of the Local 301 bylaws or the National constitution. Therefore, the provision in section 401(e) of the LMRDA requiring a union to conduct its election of officers in accordance with its constitution and bylaws was not violated, even if Morissette and Velez campaigned at the Brockton postal facility in the cafeteria, a non-work area, or at the Providence postal facility when they walked through it. Further, the investigation did not disclose any evidence that you, the incumbent president, or any other candidates attempted to campaign inside the Brockton postal facility or the Providence facility but were denied access to these facilities. The LMRDA was not violated.

You next alleged that a union steward and candidates Morissette and Velez campaigned at a Providence postal facility while the steward escorted the candidates through the facility. Section 401(g) of the LMRDA prohibits the use of union funds or employer funds to promote the candidacy of any person in an election of union officers. Thus, union officials and candidates may not campaign on time that is paid for by the union or campaign on time that is paid for by an employer. 29 C.F.R. §§ 452.76; 452.78.

The investigation disclosed that, while escorting Morissette and Velez through the workroom floor at a Providence postal facility, the chief steward approached member [REDACTED] and told [REDACTED] that the Providence postal facility was supporting Morissette and Velez. Morissette and Velez, who were on leave, introduced themselves to [REDACTED] and shook his hand. The chief steward solicited [REDACTED] support for Morissette and Velez and asked him to drum up support for the candidates at the Brockton postal facility where [REDACTED] was formerly assigned.

The investigation disclosed that the chief steward was being paid by the union or by the employer when this incident occurred. Thus, section 401(g) of the LMRDA was violated, in that union funds or employer funds were used to promote the candidacies of Morissette and Velez during this incident. However, the investigation disclosed that this campaign effort was an isolated incident, was limited to [REDACTED] and that [REDACTED] did not campaign for any candidate as a result of the chief steward's request. Further, Morissette won the election for president by a margin of 34 votes and Velez won the election for vice president by a margin of 63 votes. Thus, [REDACTED]' one vote could not affect the outcome of the election.

For the reasons set forth above, it is concluded that there was no violation of the LMRDA that may 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: John F. Hegarty, National President
National Postal Mail Handlers Union
1101 Connecticut Avenue, N.W., Suite 500
Washington, D.C. 20036

Rene Morisette, President
NPMHU Local 301
971 Worcester Rd.
Natick, MA 01760

Segal Roitman, LLP
Lou Mandarini
111 Devonshire Street, 5th Floor
Boston, MA 02109

Christopher B. Wilkinson
Associate Solicitor for Civil Rights and Labor-Management