



January 7, 2019

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your complaint, received by the United States Department of Labor (Department) on September 21, 2018. The complaint alleged that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959, ("LMRDA" or "Act"), occurred in connection with the election of officers conducted by United Steel Workers Local 3267 ("USW" or "union") on May 21, 2018.

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 were no violations of the LMRDA that may have affected the outcome of the election.

You alleged that USW Local 3267 engaged in disparate candidate treatment. You stated that the results of the original officer election were overturned on the grounds that you had improperly used the USW logo and letterhead in your campaign materials, but the results of the union-ordered rerun officer election were not overturned when your opponent, [REDACTED], waved the USW flag bearing the USW logo at the main gate of EVRAZ on election day.

Section 401(c) of the LMRDA prohibits unions from discriminating in favor of or against any candidate with respect to the distribution of campaign material and requires unions to provide adequate safeguards to ensure a fair election. Section 401(g) of the LMRDA prohibits the use of union resources to promote the candidacy of any person in an election of union officers.

The USW Election Manual provides, "In order to make certain that no member is given the impression that a candidate has the endorsement of a United Steelworkers entity, no candidate or supporters of candidates shall print, or be permitted to print campaign material on any type of union letterhead, to apply any United Steelworkers logos to any campaign materials or media, or to use any union materials or media, whether from the local, the district, or the international. THE USW LOGO IS THE PROPERTY OF THE UNION AND IS

NOT TO BE INCORPORATED IN ANY CAMPAIGN MATERIAL OR MEDIA.”

The Department’s investigation found that [REDACTED] actions did not implicate the prohibitions on use on the union logo. The logo did not appear on campaign material. [REDACTED] purchased the USW flag. Any member could have done the same. As such, holding the USW flag did not suggest that [REDACTED] had the union’s endorsement. There was no violation.

You alleged that [REDACTED]: (1) listed the email address – [REDACTED] [REDACTED] – on campaign material and (2) included endorsements from former and current USW officers in his campaign material. You asserted that [REDACTED] actions created the false impression that USW Local 3267 endorsed him. The Department’s investigation revealed that email address mentioned above is not the union’s email address but is [REDACTED] personal email address. Use of his personal email in his campaign material did not involve the use of union resources. There was no use of the union’s letterhead or logo in connection with the email address. The email address could not reasonably be perceived as an official union endorsement of [REDACTED] candidacy. There was no violation.

The Department’s investigation revealed that [REDACTED] campaign material contained the following language: “Our campaign is endorsed by a number of past and present officers including [REDACTED], longest serving president (over two decades) in the history of Local 3267.” [REDACTED] did not name any current officers, and nothing in this language suggested an official endorsement by the union. Unless restricted by constitutional provisions to the contrary, union officers retain their rights as members to campaign on behalf of candidates in an election. Accordingly, this endorsement does not constitute a violation of the LMRDA.

Lastly, you made allegations that were outside the scope of the investigation because they were not included in your original internal protest to the union. You also made allegations that, even if true, would not constitute violations of Title IV of the LMRDA. Thus, the Department did not investigate any of these allegations.

For the reasons set forth above, the Department has concluded that there were no violations of the LMRDA that may have affected the outcome of the election. Accordingly, the office has closed the file on this matter.

Sincerely,

[REDACTED]

Andrew Auerbach
Acting Chief, Division of Enforcement

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