



May 17, 2021

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your November 7, 2020, complaint filed with the 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 of Local 957, International Brotherhood of Teamsters, conducted on October 24, 2020.

The Department 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.

You alleged that union funds were used to promote the candidacy of the incumbent secretary-treasurer and his slate when the secretary-treasurer asked a union steward to sign an endorsement for the slate during a grievance meeting. You also alleged that there were several other instances where incumbent officers, including the local's secretary-treasurer, vice president, and recording secretary, sought the endorsement of union stewards while the officers were on union time and/or the stewards were on employer time. Section 401(g) of the LMRDA prohibits the use of both union and employer resources to promote the candidacy of any person in an election. 29 U.S.C. § 481(g). The Department's interpretive regulations make clear that union officers and employees may not campaign on time that is paid for by the union or by the employer. 29 C.F.R. §§ 452.76, 452.78. However, a union officer does not violate section 401(g) by engaging in "campaigning incidental to regular union business" during time that is paid for by the union. 29 C.F.R. § 452.76.

The Department's investigation found that members of the incumbent slate contacted at least 113 stewards to request endorsement signatures, and the slate succeeded in obtaining endorsement signatures from 109 stewards. The investigation further found that members of the incumbent slate obtained at least 14 of these endorsement signatures while the union officer was on union time, the steward was on employer time, or both. These requests did not constitute "campaigning incidental to regular

union business” because they occurred as an organized part of the incumbent slate’s campaign plan to seek endorsements from specific members (stewards). Accordingly, this was a violation of section 401(g) of the LMRDA.

This violation, however, could not have affected the outcome of the election. The investigation found that the incumbent slate ultimately did not disseminate the signatures as campaign literature or otherwise use the endorsements as part of their campaign. Therefore, the possible effect on the election was limited to the stewards who were contacted in violation of the LMRDA. Because the smallest margin of victory in the election – a margin of 170 votes in the race for the third trustee position – exceeded the total number of stewards from whom the incumbent slate obtained signatures, the violation could not have affected the outcome of the election even if all 109 signatures were obtained on union and/or employer time.

Finally, you raised an allegation in your complaint that had not been timely and properly raised in your protest to the union. Section 402(a) of the LMRDA requires that a member exhaust the remedies available under the union’s constitution and bylaws before filing a complaint with the Secretary of Labor. 29 U.S.C. § 482(a). This allegation was not properly exhausted and was not investigated by the Department.

For the reasons set forth above, the Department has concluded that no violation of the LMRDA occurred that could have affected the outcome of the election. Accordingly, the office has closed the file on this matter.

Sincerely,



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Chief, Division of Enforcement

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