

U.S. Department of Labor

Office of Labor-Management Standards
Suite N-5119
200 Constitution Ave., NW
Washington, D.C. 20210
(202) 693-0143



August 31, 2021



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on June 25, 2021, alleging violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA), 29 U.S.C. §§ 481-83. You alleged that violations occurred in connection with the regularly scheduled election of union officers conducted by Local 329 of the National Postal Mail Handlers Union (NPMHU) on May 6, 2021.

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 no violation occurred that may have affected the outcome of the election.

You alleged that Local 329 denied members a reasonable opportunity to nominate candidates as required by section 401(e). 29 U.S.C. § 481(e). Specifically, you take issue with the fact that you sent your self-nomination form by return receipt certified mail on February 9, 2021, but it was not delivered to Local 329 by the February 27 deadline for all self-nomination forms. The Department's investigation revealed that nominations (including self-nominations) could be made in writing or in person. Written nominations had to be sent via certified or express mail, and had to be received prior to the nominations meeting per Article VI, Section 1 of NPMHU Constitution. In-person nominations could be made at the nomination meeting held on February 27, 2021. This meeting was open from 10:00 a.m. to 2:00 p.m. at the Clarion Hotel in Memphis, Tennessee. The investigation further confirmed that Local 329 did not receive your self-nomination until March 8 or 9, 2021.

During the OLMS investigation, it was revealed that you checked the tracking information for your nomination form on February 13 and February 20, and both times the system showed that your nomination form had not been delivered. Further, while the tracking information indicated that your letter was in transit, the truck that was delivering your nomination had already returned from Memphis back to Nashville. Knowing that the nomination form had not been delivered within one week of the deadline for self-nominations, you could have mailed a self-nomination form using

express mail with a more expedited and accurate guaranteed delivery date, you could have attended the nominations meeting in-person, or you could have arranged for a supporter to nominate you in person at the nominations meeting. You failed to take any of these reasonable steps to secure your nomination. You also failed to contact the election committee to inform them of your self-nomination that had apparently been lost in the mail. The union provided a reasonable opportunity to nominate candidates. There was no violation of the LMRDA.

Accordingly, the office has dismissed your complaint and closed its file in this matter.

Sincerely,

[REDACTED]

Tracy L. Shanker
Chief, Division of Enforcement

cc: Paul V. Hogrogian, National President
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[REDACTED], Associate Solicitor
Civil Rights and Labor-Management Division