



November 3, 2021

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to the complaint that you filed with the United States Department of Labor on May 17, 2021, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the January 15, 2021 election of union officers held by Local 3670 (local or Local 3670), American Federation of State, County, and Municipal Employees (International).

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that no violation occurred that has not been remedied.

You alleged that Local 3670 failed to provide proper notice of nominations and a reasonable opportunity to nominate candidates by not maintaining an accurate mailing list and by not re-mailing notices returned as undeliverable. Section 401(e) of the LMRDA requires that “a reasonable opportunity shall be given for the nomination of candidates[.]” 29 U.S.C. § 481(e). Accordingly, notice must be “timely [and] reasonably calculated to inform all members[.]” 29 C.F.R. § 452.56. While no specific method of notice is required, “[m]ailing the notice of nominations to each member’s last known address within a reasonable time of the nomination meeting would satisfy this requirement.” *Id.*

The Department’s investigation found that Local 3670 mailed approximately 450 combined nomination and election notices to all members’ last known home addresses on November 28, 2020, 18 days prior to the nomination meeting and 48 days prior to the election. Local 3670 used the dues checkoff list as the mailing list for the combined notice. This list was provided by the sole employer of the local’s members within a month of the mailing and had been updated by the employer on a monthly basis. A review of the election records revealed that 36 combined notices were returned to Local 3670 as undeliverable. Of those returned, seven included forwarding addresses provided by the U.S. Postal Service. Although Local 3670 did not attempt to re-mail any of the 36 returned notices or post nomination notices at any worksite, it mailed the nomination notice to all members, which the LMRDA does not require, and it did so using an updated mailing list. Under the circumstances of this case and solely with respect to notice of nominations, Local 3670’s mailing of the nomination notice,

though imperfect, was timely and reasonably calculated to inform all members of the upcoming nomination meeting. No violation occurred. Additionally, the Department's investigation did not identify any member who wished to be nominated or intended to nominate a candidate for the election but was unable to do so because they did not receive notice of the nomination meeting.

You also alleged that Local 3670 failed to provide proper notice of the election by not re-mailing the combined notices returned as undeliverable. The LMRDA requires unions to meet a higher standard to facilitate the delivery of election notices than it does for nominations notices. Section 401(e) provides that every member in good standing has the right to vote for the candidate or candidates of their choice. 29 U.S.C. § 481(e). Section 401(e) further requires that not less than 15 days prior to the election the union must mail an election notice to each member's last known home address. *Id.* This duty requires, at a minimum, that a union take reasonable steps to maintain current mailing addresses for its members and to update known bad addresses. When election notices are returned as undeliverable, the union must at least re-mail any notice that was returned with a forwarding address. You alleged that the union did not meet its obligations regarding the election notice and that the union committed various other LMRDA violations regarding its January 15, 2021 election. During the Department's investigation, however, you confirmed that Local 3670 reran its January election on June 7, 2021, which remedied your allegations regarding the January 15, 2021 election, except with respect to your allegation regarding the nomination process, which the Department addressed above.

For the Department to seek to overturn an election there must be probable cause that a violation occurred that has not been remedied and that may have affected the outcome of the election. 29 U.S.C. § 482(b), (c)(2). Thus, there was no violation of the LMRDA that would provide a basis for litigation by the Department.

For the reasons set forth above, it is concluded that there was no violation of Title IV of the LMRDA that was not remedied, and I have closed the file in this matter.

Sincerely,

A large black rectangular redaction box covering the signature of the sender.

Chief, Division of Enforcement

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