



November 3, 2021

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the U.S. Department of Labor on July 7, 2021, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA, or Act) occurred in connection with the mail ballot election of union officers conducted by International Brotherhood of Teamsters (IBT) Local 710, on October 19, 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 Act that may have affected the outcome of the election. The following is an explanation of this conclusion.

First, you alleged that the 30-day voting period was insufficient due to COVID-related delays in mail delivery, resulting in low voter turnout. You identified six members whom you alleged did not receive ballots, or did not receive them in time to vote in the election:

[REDACTED]

[REDACTED]. Section 401(c) of the LMRDA requires unions to provide adequate safeguards to ensure a fair election and section 401(e) provides every member in good standing the right to vote. 29 U.S.C. § 481(c), (e). As the Department's regulations explain, the statutory right to vote requires a reasonable opportunity to vote. 29 C.F.R. § 452.94.

The Department's investigation revealed that Local 710 decided on a 30-day voting period for its 2020 officer election, instead of its usual 21-day voting period, to account for potential COVID-related mail delays. On August 14, 2020, Local 710 mailed an election notice to all members at their last known home addresses. The union also posted the notice on union bulletin boards in employer facilities, and on Local 710's website and its Facebook page. The election notice informed members about the 2020 election, including: (a) that ballot packages would be mailed to members on or about September 18, 2020; (b) that members who did not receive a ballot package by September 24, 2020, could request a replacement ballot by calling the phone number listed in the notice; (c) that members could make replacement ballot requests from September 24 until 12:00 p.m. noon on October 9, 2020; (d) and that voted ballots had to be received in the designated post office box no later than 9:00 a.m. on October 19, 2020, in order to be counted.

On September 19, 2020, Local 710 mailed 16,312 ballot packages via first-class mail, including to five of the six individuals you identified. The sixth individual, [REDACTED], did not appear on the union's ballot mailing list or on its list of eligible voters. When ballot packages were returned as undeliverable, the union made efforts to obtain updated addresses and re-mail ballot packages to affected members. The union did not receive an undeliverable ballot package for any of the members you identified. The union also fulfilled replacement ballot requests on a rolling basis during the election period. Local 710 received replacement ballot requests from two of the members you identified, [REDACTED] and [REDACTED]. Local 710 sent them replacement ballots on October 2 and October 15, 2020, respectively. [REDACTED], to whom the local mailed a replacement ballot on October 15, voted in the election. Local 710 conducted the tally on October 19, 2020. A total of 4,065 valid ballots were cast by members in the October 19, 2020 election. The Department conducted a recount of those ballots and determined that the smallest margin in the election was 873 votes in the president's race.

The investigation did not reveal problems with the ballot mailing or other circumstances that would have rendered the 30-day voting period unreasonable. For example, of the 92 ballots received too late to be counted, only 11 were postmarked on or before October 17, 2020, two days before the tally. The rest were postmarked on October 19, 2020, or later. There was no violation.

Second, you alleged that an employee of Local 710, [REDACTED], posted campaign material on Facebook during work hours in support of the 710 Members First slate. Section 401(g) prohibits the use of union funds to promote the candidacy of any person. 29 U.S.C. § 481(g). This includes the wages of officers and office staff. See 29 C.F.R. § 452.76. The investigation disclosed that Local 710's regular business hours are Monday through Friday from 8:00 a.m. to 4:30 p.m. The local had seven employees on its administrative staff during the 2020 election period. The staff, including [REDACTED], were entitled to two breaks and one lunch period per day, during which they could conduct any personal business. Local 710 permitted breaks of 10 to 15 minutes each (once in the morning and once in the afternoon) and a 30-minute lunch period. The union did not record when employees took breaks, and allowed employees to choose their own break times each day depending on workflow. Local 710's election rules properly allowed campaigning during paid vacation, lunch and breaks, or similar paid time off, and prohibited the use of union facilities, equipment, and other resources to campaign.

The Department found that [REDACTED] engaged in campaigning in support of the 710 Members First slate during the union's regular business hours on six occasions: (1) At 4:21 p.m., on Monday, August 10, 2020, she updated the profile picture on her personal Facebook page to include a border that read, "I support 710 Members First!"; (2) At 12:41 p.m., on Thursday, October 1, 2020, she shared a post that encouraged members to vote for the 710 Members First slate with multiple Facebook groups; (3) At 12:42 p.m., on Thursday, October 1, 2020, she shared a Spanish-language version of the same post with the same

Facebook groups; (4) At 12:21 p.m., on Friday, October 2, 2020, she shared another campaign-related post with various Facebook groups; (5) At 12:56 p.m., on Friday, October 2, 2020, she shared a different campaign-related post with various Facebook groups; and (6) At 8:51 a.m., on Wednesday, October 7, 2020, she shared another a campaign-related post with multiple Facebook groups.

The Department's investigation found that, on all six occasions, [REDACTED] used her own personal phone and Facebook account and that none of the Facebook groups with which she shared posts were maintained by the union. Four of the posts occurred in the middle of the day during [REDACTED] lunch period. [REDACTED] said she was on break when she campaigned on the other two occasions – at 4:21 p.m. and 8:51 a.m. While those appear to be unusual times for a break (*i.e.*, start and end of a shift), [REDACTED] was allowed to take her breaks at any time, depending on workflow, and there were no other instances of campaigning on those days that would suggest she took more than the allotted time for her breaks. Therefore, [REDACTED] did not use union funds to campaign. There was no violation.

Next, your protest to the union included other matters, which, even if true, would not violate the LMRDA and, consequently, were not investigated. Finally, you raised allegations in your complaint to the Department that had not been timely and properly raised with 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. § 481(a). You submitted pre-election complaints to the union concerning Local 710's nomination meeting, its rules for observers, and the use of slate names, but failed to follow the union's appeal procedure in Article 17, Section 7(a), of Local 710's constitution and bylaws after the union denied your claims. As a result, the allegations are not properly before the Secretary and are dismissed.

For the reasons set forth above, the Department has concluded that no violation of the LMRDA occurred and I have closed the file in this matter.

Sincerely,

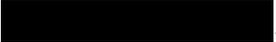
[REDACTED]

[REDACTED]

Chief, Division of Enforcement

cc: James P. Hoffa, International Union President  
International Brotherhood of Teamsters  
25 Louisiana Avenue N.W.  
Washington, DC 20001

Del Schaffer, President  
Teamsters Local 710  
9000 West 187<sup>th</sup> Street  
Mokena, IL 60448-7700

, Associate Solicitor  
Civil Rights and Labor-Management Division