



May 12, 2011

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your complaint filed with the Department of Labor on January 27, 2011, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act (Act) occurred in connection with the election of officers conducted by Local 87, Service Employees International Union, on September 30, 2010.

The Department of Labor conducted an investigation of your allegation. As a result of the investigation, the Department has concluded, with respect to the specific allegation, that there was no violation of the Act that may have affected the outcome of the election. Following is an explanation of this conclusion.

You alleged that the union failed to properly count the ballots. Section 401(c) of the Act, 29, U.S.C. § 481(c), requires a union to have adequate safeguards in place to insure a fair election. Courts have construed such safeguards as pertaining to the technical aspects of conducting an election, including the ballot count and the vote tally. *See also* 29 C.F.R. § 452.110. You alleged that the ballot count for the officer races may have been incorrect because of a problem with the computer program used to tabulate the ballots for the executive board races.

However, the investigation disclosed that this problem was limited to the executive board race. Further, the Department's manual recount of the votes cast for the other officer races showed only minor discrepancies between the union's tally and the Department's tally. There was no evidence of ballot tampering or other election improprieties. To the extent that there were minor differences between the union's and the Department's vote count, these discrepancies would not have changed the election results and, thus, could not have affected the outcome of the election. *See* 29 U.S.C. § 482(c).

For the reasons set forth above, it is concluded that there was no violation of the Act that may have affected the election outcome and I have closed the file on this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Mary Kay Henry, President
Service Employees International Union
1800 Massachusetts Avenue NW
Washington, DC 20036

Olga Miranda, President
SEIU Local 87
240 Golden Gate Avenue
San Francisco, CA 41023

Beverly Dankowitz, Acting Associate Solicitor for Civil Rights and Labor-
Management