



April 11, 2012

[REDACTED]

[REDACTED]

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your complaint filed December 15, 2011 with the United States 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 conducted by the International Brotherhood of Teamsters Local 100 on December 7, 2010.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that no violation occurred which may have affected the outcome of the election.

Your allegations center on the Teamsters First Slate's distribution of campaign literature. Specifically, you alleged that the union failed to follow its bylaws in violation of section 401(e) of the LMRDA, by allowing the Teamsters First Slate to use a candidate's home address as the return address on its campaign literature. Section 401(e) requires that the election be conducted in accordance with the constitution and bylaws of the union.

You were unable to provide the specific bylaw provision that Teamsters First Slate violated. Based on its examination of the relevant documents, the Department determined that the union's constitution and bylaws do not contain a requirement that campaign literature must be sent using the union's address as the return address. There was no violation of the LMRDA.

You also alleged that the Teamsters First Slate's use of a candidate's home address as the return address on campaign literature conflicted with established past practices and procedures of Local 100 in violation of section 401(c) of the LMRDA. Section 401(c) prohibits disparate treatment among candidates for union office, and requires that unions provide adequate safeguards to insure a fair election.

The investigation revealed that, despite candidates commonly using the union's return address on campaign literature, doing so is not required. The use of the union's address as the return address on campaign literature stems from individual candidates taking advantage of the union's non-profit bulk mailing rate. During an election period, Local 100 typically requires candidates to use the Local 100 address as the return address on campaign mailings in order to receive the Local's bulk mail rate.

In the instant election, the Executive Board issued a memo to all candidates entitled *Re: Campaign Literature Mailings*, which stated, "[t]o be entitled to the .24¢ rate, the return address of Truck Drivers, Chauffeurs and Helpers Local Union No. 100 must be used." A careful reading of this memo reveals that the use of the union's return address on campaign literature is an option for candidates, but not required. The Teamsters First Slate sought clarification from the Legal Department of the International Brotherhood of Teamsters on this issue and received verification that there is no requirement that candidates use the local union address on their campaign mailings. In fact, the use of a candidate's home address allows candidates to confirm and to provide a check for the accuracy of the union's mailing and membership lists which in turn may further the LMRDA's requirements of mailed election notices to all members and that all eligible members be provided a reasonable opportunity to vote. Moreover, the information regarding the use of one's home address on campaign literature was available to all candidates. There was no disparate treatment. Accordingly, the Teamsters First Slate's conduct did not constitute a violation of the LMRDA.

You alleged that additional adequate safeguards violations occurred during the conduct of the December 2010 election. Specifically, you claimed that the union failed to prevent the Teamsters First Slate from taking advantage of using a home address as a return address on its campaign literature, to the detriment of other candidates. In support of this allegation, you asserted that because the Teamsters First Slate used a candidate's home address as the return address on campaign mailings, the Teamsters First Slate, through its returned undeliverable campaign literature, could have obtained bad addresses, requested duplicate ballots for members with those bad addresses, and then fraudulently voted these duplicate ballots in violation of section 401(c) of the LMRDA.

First, the investigation did not uncover any evidence of an unfair advantage derived from the Teamsters First Slate's use of a home address as the return address on its campaign literature. Beyond your unsupported speculation, the investigation revealed

no evidence of ballot tampering or fraud. The union's method for obtaining a duplicate ballot contains adequate safeguards to prevent against fraud. The local election committee (LEC) had a verification process for requesting duplicate ballots, which did not allow any union member or steward to request a ballot on behalf of another member.

Second, the investigation did not reveal any evidence of the Teamsters First Slate retaining member information from the undeliverable campaign literature or conducting additional campaign efforts targeting individuals whose campaign literature had been returned undelivered. Despite the fact that the Teamsters First Slate did not violate any union election rules by using a home address as the return address on its campaign literature, the LEC required that the Teamsters First Slate provide all returned campaign literature to the Local 100 office. The Teamsters First Slate collected returned campaign literature on December 1, 4, and 6, 2010, and turned it into the LEC. The LEC allowed all candidates to inspect the returned campaign literature. Thus, the Department found no violation of the adequate safeguards provision of the LMRDA.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred. Accordingly, the office has closed the file on this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

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