



March 13, 2014

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the U.S. Department of Labor on August 23, 2013, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the election of officers conducted by United Auto Workers (UAW), Local 2322.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to each of your allegations, that there was no violation of the LMRDA that may have affected the outcome of the election. The following is an explanation for this conclusion.

You alleged that the Graduate Employee Organization (GEO) membership meeting that took place on March 28, 2013, on the campus of the University of Massachusetts (UMass), essentially turned into a meeting in support of the opposition candidate for president. You specifically alleged that the candidate, [REDACTED], announced her candidacy during the meeting.

Section 401(c) of the LMRDA requires a union to provide adequate safeguards to insure a fair election. *See* 29 C.F.R. § 452.110. During the investigation [REDACTED] denied announcing her candidacy at the meeting. [REDACTED] further stated that there was a heated discussion during the meeting concerning the contentious relationship between the GEO and UAW Local 2322 and that during the discussion someone suggested that a GEO member run for president of UAW Local 2322. [REDACTED] stated, however, that there was never any discussion of her running for president during the meeting.

The Department's review of the minutes for the meeting did not reflect any discussion or announcement of [REDACTED] candidacy for president. GEO steward [REDACTED] stated during the investigation that he attended the March 28 meeting. According to [REDACTED] during the meeting, [REDACTED] had a tendency to repeat what members were saying to her so that she was clear on the point a member intended to

make; as a result, [REDACTED] may have said something to the effect, "what I'm hearing from this conversation is that there is a need for new leadership and that people want change." [REDACTED] stated, however, that [REDACTED] never stated during the meeting that she intended to run for office. Nor did [REDACTED] make any statement during the meeting that may be construed as a solicitation of votes for her candidacy. In any event, even if [REDACTED] had announced her candidacy at the March 28, 2013 meeting, the investigation showed that you were the incumbent president and that you announced your candidacy for reelection at a January 9, 2013 membership meeting. Neither [REDACTED] nor any other candidate was afforded that same opportunity. The LMRDA was not violated concerning this allegation.

You alleged that the GEO office copier and office paper were used to generate copies of your opposition's campaign strategy notes. The office copier and paper are paid for by Local 2322.

Section 401(g) of the LMRDA prohibits the use of union funds to promote the candidacy of any person in an election of union officers. During the investigation, your witness stated that he found notes concerning [REDACTED] campaign strategy on the copier machine in the GEO office. During the investigation a GEO member stated that he wrote the notes during an off campus meeting and then emailed them to one of the co-chairpersons of the GEO. The GEO co-chairperson stated during the investigation that he received the emailed notes and then printed them out using the home office printer of one of his professors. The co-chairperson further stated that it is likely that the notes were among other papers that he brought to the GEO office to organize and that he threw the strategy notes in the trash at the GEO office after he realized the notes were among those papers. In any event, the investigation did not corroborate that the notes were copied, printed or faxed using union equipment. Further, although you believe that a campaign strategy meeting supporting your opponent took place in the GEO office because it is alleged that notes concerning such a meeting were found on the office copier machine, there is no evidence that a campaign meeting supporting [REDACTED] took place in the GEO office. The LMRDA was not violated.

You alleged that your opponent and her supporters sponsored a training session on April 13, 2013, at the UMass Labor Center to instruct the attendees on how to engage in effective campaigning in support of [REDACTED].

During the investigation [REDACTED] stated that she had been approached by UMass students requesting training in union organizing; therefore the UMass Labor Center organized the training. [REDACTED] did not attend the training. None of the members who attended that training corroborated your allegation that campaigning occurred at the training. The investigation showed that the training only concerned union organizing. The LMRDA was not violated.

You alleged that you saw [REDACTED], the information technology person for your opponent's campaign, sitting at a desk in the GEO office, that [REDACTED] was on his personal computer, and that a printed, collated copy of the GEO membership list was

on the desk. However, you admitted during the investigation that during this incident you never saw [REDACTED] look at a GEO membership list; nor did you see him retrieve any information from such list and then type it into his personal computer.

In any event, during the investigation, [REDACTED] stated that he goes to the GEO office one or two days a week and that while he is in the office he uses his personal computer to complete his school work. [REDACTED] stated that, on the day that you saw him in the GEO office, there was a copy of a GEO membership list on the desk at which he was doing his school work, but that he did not review it or type any information from that list onto his personal computer. [REDACTED] further stated that he used the UMass People Finder website, which is a publically accessible website, to compile a list of GEO members and their email addresses and that he used that list to campaign. The investigation disclosed that the UMass People Finder website allows anyone to type a person's first and/or last name into the search bar and then the People Finder uploads the name of every UMass student and faculty member with that first and/or last name along with the person's email address, department and, when applicable, the person's major. The LMRDA was not violated.

You alleged that [REDACTED], a former co-chairperson for the resident assistants (RA) unit at UMass, used an official copy of a RAs membership list and sent campaign materials to the RAs using the UMass email system. Section 401(c) of the LMRDA requires a union to provide adequate safeguards to insure a fair election. With respect to use of the RAs membership list for campaigning, the investigation showed that Local 2322 represents approximately 350 RAs at UMass. [REDACTED] stated during the investigation that in the months leading up to the election he contacted the RAs and the stewards that he knew personally and obtained their contact information. He also obtained RAs' telephone numbers from the UMass website, which contains a list of the names and telephone numbers of all RAs. [REDACTED] further stated that he went to UMass dormitories and canvassed RAs in support of your opponent and obtained the RAs' contact information. During the investigation, [REDACTED] provided the Department with his personal list of RAs' names and contact information that he compiled during the election. [REDACTED] stated that he used that personal list for campaigning. The Department's review of that list showed that it contained the names and contact information for 198 of the 350 RAs. The LMRDA was not violated.

You also alleged that supporters of your opponent used the UMass email system and sent a partisan campaign email to GEO members. Section 401(c) of the LMRDA requires a union to provide adequate safeguards to insure a fair election. As alleged, the investigation disclosed that supporters of your opponent used the UMass email system to disseminate a campaign email to GEO members. However, UMass has no prohibition on use of its email system for campaigning. During the investigation, the Vice Chancellor for Human Resources advised that the UMass-UAW-GEO contract allows for use of the UMass email system for union purposes. He further stated that UMass allows for use of its email system to support a candidate and that there is no limit to such email use. Further, the GEO office manager stated during the election that

the election committee allowed all candidates to send emails to the entire membership, including the RAs and the GEO members, using the Local 2322 membership list and the local's email system. The investigation showed that the election committee conducted an email blast to the entire Local 2322 membership on your behalf. There was no violation of the LMRDA.

You further stated that supporters of your opponent used the UMass People Finder website, which is a publically accessible website, to compile a list of GEO members and their email addresses and that the supporters used that list to campaign. The Department's review of the list showed that it contained the names, phone numbers, departments, email addresses and other identifying information of 1,591 people and that at the time of the election Local 2322 had approximately 2,910 members. In any event, the UMass People Finder website was accessible to all members, including you and your supporters, and members were not prohibited from using the website for campaign purposes. The LMRDA was not violated.

You alleged that an April 12, 2013 meeting that was sponsored by the Graduate Student Senate was used to support ██████████ campaign. The investigation disclosed ██████████ originally was on the agenda to speak at that meeting but she did not attend the meeting. The election and ██████████ candidacy were mentioned during the meeting for about five minutes, but there was no promotion of her candidacy, and there was no solicitation of votes for her. In any event, the smallest vote margin was 80 votes. The investigation showed that only 25 members attended the meeting. These twenty-five votes would not have affected the outcome of the election.

You made several allegations in your complaint to the Department that were known to you at the time you filed your internal protests but you did not include these allegations in your protests to the union. You alleged that retirees did not receive nominations/election notices, that an unknown number of ballots and campaign postcards were returned as undeliverable, and that the UAW logo was used on your opponent's webpage. In order to achieve Congressional intent of maximizing union self-governance, section 402(a) of the LMRDA requires that protests regarding a union election be presented first to the union to give the labor organization the first opportunity to correct election deficiencies, prior to filing suit with the Department. 29 C.F.R. 452.136 (b-1). You failed to present any of the above allegations to the union even though you were well aware of the facts surrounding these allegations at the time you submitted your internal protests. Consequently, these allegations are dismissed.

Finally, you alleged that promises were made to four GEO employees that their GEO positions would not be eliminated if they actively supported your opponent. Even if true, such matters are not regulated by the LMRDA. Thus, the allegation is dismissed.

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Bob King, President
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