



December 17, 2015

[REDACTED]

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your joint complaint filed on July 24, 2015, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 481-484, occurred in connection with the election of national officers conducted by the Communications Workers of America (CWA), AFL-CIO, on June 8, 2015.

The Department of Labor 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 that may have affected the outcome of the election.

You alleged that the June 8, 2015 election of CWA officers was flawed because the delegates from your local union, Local 1033, and other non-LMRDA covered public sector locals were not properly elected. In particular, you alleged numerous deficiencies in the election of two Local 1033 delegates in December 2014, including irregularities in the handling of ballots, deficient notice of nomination and election, and the use of union resources to campaign, among other issues. You did not, however, provide any specific allegations or evidence with respect to any non-LMRDA covered public sector locals, other than Local 1033.

Under Title IV of the LMRDA, an organization composed entirely of state, county, or municipal government employees is not subject to the election provisions of the LMRDA, except with respect to the election of officers of a parent organization which is subject to those requirements or the election of delegates to a convention of such parent organization, or to an intermediate body to which the requirements apply. 29 CFR § 452.12; 29 CFR §452.22. Consistent with this standard, Article XV, Section 4(e), of the CWA Constitution requires, with respect to all local unions, that “the election by Locals of... delegates and alternate delegates to the Union Convention shall be by secret ballot among the members in good standing.”

The Department’s investigation established that of the 1,200 locals affiliated with CWA, 85 locals were composed exclusively of state, county, or municipal members. Of these public sector locals, 44 sent delegates to, or voted by proxy at, the CWA convention where national officers were elected. These 44 locals together carried 32,917 out of the 352,170 total delegate votes cast during the convention election.

The Department's investigation included an examination of the delegate elections for 11 of these 44 public sector locals, including your local, Local 1033, to determine whether the delegates from these non-LMRDA covered locals had been properly elected. The eleven locals examined were Locals 3570, 3865, 4527, 6355, 1081, 2911, 1183, 3178, 3179, 9110 and 1033. The investigation established that four of the eleven locals, Locals 3570, 3865, 4527 and 6355 had properly elected the delegates that they sent to the CWA election. The 4,801 votes carried by the delegates from these four locals were, therefore, proper.

An examination of Locals 1081 and 2911 revealed that they failed to properly elect their delegates. Local 1081 elected its delegate by a show of hands, not by secret ballot, and the delegate that represented Local 2911 was appointed not elected by secret ballot. These two locals carried 776 delegate votes. The participation of these delegates in the CWA national officer election was a violation of Title IV of the LMRDA.

For the remaining five locals (1183, 3178, 3179, 9110 and 1033), the Department's examination of whether these locals properly elected its delegates was inconclusive. However, the investigation revealed that because of the vote margins for each contested national officer position any violation with respect to the delegate elections in these locals would not have affected the outcome of the election. A review of the delegate votes from the public sector locals revealed that counting the 776 improper delegate votes (Locals 1081 and 2911) and all of the votes of the 38 other public sector locals whose election is in question, it would have been mathematically impossible for the cumulative votes cast by the delegates from these 40 locals to affect any of the margins of victory.

There were six contested national officer positions that delegates from the 44 public sector locals cast ballots for at the convention.<sup>1</sup> The accompanying table shows the vote margins for the relevant races. With the exception of vice president, District 3, each of the winning candidates received a majority of the votes cast on the first ballot. Since the vice president, District 3, race required a runoff, the vote margins for both the 1<sup>st</sup> ballot and runoff ballot are reflected in the table. In all cases, the margin of victory exceeds the total possible votes cast by delegates of the above-referenced 40 public sector locals. Thus, there was no possible effect on outcome for these six contested national officer positions.

Position	Vote Margin	Total Votes Carried by Delegates in 40 Public Sector Locals (does not include delegate votes carried by Locals 3570, 3865, 4527, 6355, the 4 locals that properly elected delegates)
Secretary-Treasurer	44,414	28,116
Diversity VP, SE Region	32,145	2,930
Diversity VP, CEN Region	99,536	2,147
VP, District 3, 1 <sup>st</sup> Ballot	5,293	2,017
VP, District 3, Runoff	13,075	2,017
VP, District 7	5,466	2,160
VP, District 9	8,738	1,289

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<sup>1</sup> Although the position of CWA national vice president, telecommunications and technology was contested, no delegates from the 44 non-covered local unions voted for that position.

You also alleged that members were reluctant to seek office because of restrictive CWA policies. The investigation did not substantiate your claim. You did not offer any specific policies, facts, or witnesses to support your allegation. Rather, you asserted generally that the CWA national officer election process was designed to favor incumbents and that it was pointless to seek office. Neither of you wished to run for national office nor nominate anyone for a CWA officer position. Further, neither of you indicated that you were too intimidated to seek nomination nor knew of anyone who was intimidated. There was no violation.

Your complaint to the Department made allegations that, even if true, would not constitute violations of Title IV of the LMRDA, and other allegations that were not timely invoked and exhausted by you in accordance with CWA's election protest procedures and the requirements of the LMRDA. *See* 29 U.S.C. § 482. Consequently, the Secretary lacks the authority to consider the merits of these issues and they were not investigated. 29 C.F.R. § 452.135 (a).

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA that may have affected the outcome of the election, and I have closed the file regarding this matter.

Sincerely,

Sharon Hanley  
Chief, Division of Enforcement

cc: Chris Shelton, President  
Communications Workers of America  
501 3<sup>rd</sup> Street, N.W.  
Washington, DC 20001

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