



February 19, 2015

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is provided in response to the complaint you filed with the Department of Labor on August 29, 2014, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of union officers for the American Postal Workers Union, Local 7140 (also known as the Northwest Illinois Area Local or NWIAL).

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to each specific allegation, that there was no violation of the LMRDA that may have affected the outcome of the election.

You alleged that NWIAL failed to certify the election results in accordance with the NWIAL constitution. Section 401(e) of the LMRDA requires a union to conduct its election of officers in accordance with the constitution and bylaws of the organization insofar as they are not inconsistent with the provisions of Title IV of the LMRDA.

The investigation revealed that NWIAL's constitution and bylaws are generally silent with respect to the certification process. Article 11, Section 9 of NWIAL's constitution states, "Immediately upon conclusion and certification of the results . . . , the agency/firm shall [turn] over all election related materials to the election Committee. . . ". The election procedures, constitution, and bylaws, however, do not specify how certification should be conducted.

The Department's investigation determined that the election was certified at the end of the election on April 25, 2014. In this regard, [REDACTED], Director at the American Arbitration Association (AAA), which administered the April 25 election, indicated that he had submitted to Local Election Committee Chair [REDACTED] a "Certification of Results" memorandum signed and dated April 25, 2014. In response to your protest on

April 29, 2014 requesting certified results, ██████████ faxed you a partial copy of the AAA memo, omitting the first page. You objected that the results were not certified because they were not on AAA letterhead, despite the dated signature page from ██████████. The investigation determined that the partial memo you received on April 30 was the same certification memo provided to ██████████ on April 25. With respect to this allegation there was no violation of NWIAL's constitution or bylaws or of the LMRDA.

You also alleged that ballots of the members of the Chicago Metro Surface Hub Processing and Distribution Center ("Busse plant") were not included in the vote tally, denying them the right to vote. Section 401(e) of the LMRDA provides that in any secret election, "[e]ach member in good standing shall be entitled to one vote." You specifically alleged that members of the Busse plant were denied the right to vote through interference with their ballots.

First, you alleged that the ballots for Busse plant members were intercepted at the Carol Stream Processing Center. When told that the investigation determined that the ballots were processed at a different postal center, you then alleged that return envelopes for ballots returned by Busse plant members were marked in some manner to allow them to be intercepted upon their return. You further alleged that you were not provided a breakdown of the vote by plant and assert that past practice was to conduct a vote by plant.

The investigation did not reveal any evidence to support these allegations. Neither the election rules nor the constitution require separating ballots by plant. The investigation included a review of the election records and a recount of the ballots. Members were instructed to place their completed ballot in the provided white secret envelope, which would then be placed in the blue return envelope for mailing. The plant's location was not listed on the return envelope. Above the voter's address was the union name, ballot type and control number assigned to each member by AAA. AAA separated the white envelopes from the blue envelopes and combined them before tallying the votes. The recount did not reveal any ballot or envelope markings to suggest fraud took place.

The investigation did not reveal any member of the Busse plant who protested not receiving a ballot for the election. The OLMS ballot recount produced the same results as certified by AAA. Therefore, with respect to this allegation, there is no evidence that any member was denied the right to vote in violation of the LMRDA.

For the reasons set forth above, the Department concludes that there was no violation of the LMRDA that may have affected the outcome of the election. Accordingly, the office has closed the file on this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

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