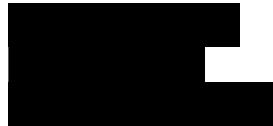




January 15, 2015



Dear [REDACTED]:

This Statement of Reasons is in response to your August 21, 2014 complaint filed 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 of the American Federation of State, County, and Municipal Employees, AFL-CIO, Local 2568 conducted on April 4, 2012.

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 affecting the outcome of the election.

You alleged that AFSCME Local 2568 violated the Act by denying members the opportunity to vote. In particular, you alleged that the polling site was impracticable because it was eight to ten miles from the worksites, construction traffic may have interfered with members' ability to vote, and there were members working twelve-hour shifts.

Section 401(e) of the LMRDA guarantees members' right to vote in officer elections. The investigation determined that AFSCME Local 2568 conducted a manual ballot election from 6:00 a.m. to 6:00 p.m. on April 4, 2012, at the hall where it conducts its monthly membership meetings. You did not provide, and the investigation did not discover, evidence that any particular members were unable to vote due to the distance, traffic, or working longer hours than the poll hours. The investigation confirmed that voter turnout for this election – 208 voters – was higher than the last election. Additionally, the investigation disclosed that no members worked a twelve-hour shift on that day. Thus, there was no evidence that members were denied the opportunity to vote. No violation of the LMRDA occurred.

You also alleged that AFSCME Local 2568 violated the LMRDA when the Election Chair told two members to vote for incumbent officers.

Section 401(c) of the LMRDA requires unions to provide adequate safeguards to ensure a fair election. However, both members denied that the Election Chair instructed them how to vote. The Department's survey of a sampling of members also failed to uncover any instances where union officers or staff told members for whom to vote. However, there was evidence that one election official may have discussed the candidates with a member at the polling site. Campaigning at the polling site is not permitted. To the extent this conversation may have violated the LMRDA, campaigning to one member would not have affected the outcome of the election and thus does not provide a ground for overturning the election.

You also made an allegation in your complaint concerning the trustees. Local 2568 trustees are not officer positions covered by the LMRDA. Accordingly, the Department does not have jurisdiction to resolve this allegation and it was not investigated.

For the reasons set forth above, there is no basis to overturn the election and this office is closing the file on this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

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