



January 14, 2015



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the U.S. Department of Labor on August 5, 2014, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the runoff election of union officers conducted by United Automobile Workers (UAW) Local 129 on April 15, 2014.

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

You alleged that the ballot used for the runoff election listed all of the candidates who were in the primary election instead of only listing the candidates in the runoff election. Section 401(c) of the LMRDA requires a union to provide adequate safeguards to insure a fair election. A labor organization's wide range of discretion regarding the conduct of officer elections is thus circumscribed by a general rule of fairness. 29 C.F.R. § 452.110.

The investigation disclosed that the regularly scheduled election of Local 129 officers was conducted on April 1-2, 2014, by on-site voting and mail ballot. Article 38, section 2 of the UAW constitution provides, "[e]lection of all Local Union Executive Officers shall require a majority of the votes cast for the office." Thus, a candidate must receive a majority of the votes cast for election to office or face a runoff election with the two top vote getters.

The investigation disclosed that none of the candidates for the offices of Recording Secretary, Guide and the two Trustees received a majority of the votes cast and, thus, a runoff election was conducted for these offices on April 15, 2014. On-site voting for the runoff election was conducted in the break room at 10 of the 11 employer facilities, including the Association of Professional Flight Attendants (APFA) facility. Voting for those employed at the remaining facility was conducted by mail. The investigation

disclosed that the runoff election ballots distributed to the members employed by the APFA listed all of the initial election candidates for the office of Guide instead of listing only the two candidates in the runoff election for that office. Thus, the adequate safeguards provision of the LMRDA was violated when the local failed to ensure that only the names of the runoff election candidates appeared on the ballot for that election.

Under Section 402(c) of the LMRDA, an election may only be voided where a violation may have affected the outcome of the election. The investigation disclosed that 10 APFA members voted in the runoff election and that the vote margin for the office of Guide was 57 votes. Thus, the 10 votes cast by the APFA members did not affect the outcome of the runoff election.

For the reasons set forth above, it is concluded 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

cc: Bob King, International President
United Auto Workers
8000 East Jefferson Avenue
Detroit, MI 48214

Yvonne Edwards, President
Auto Workers, Local 129
3905 Broadway Avenue
Fort Worth, TX 76117