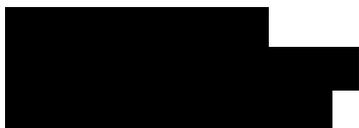




March 31, 2015



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed with the U.S. Department of Labor on October 6, 2014. Your complaint alleges that numerous violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the February 22, 2014 election of officers for Postal Mail Handlers Local 308.

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

You alleged that ballots were not properly secured at the Lindbergh postal facility where you work. Section 401(c) of the LMRDA provides that "[a]dequate safeguards to insure a fair election shall be provided." The basis for your allegation is that you only recognized the names of nine 1st tour members from that facility and they all supported your opponent. You also claimed that you spoke to many 1st tour members who said they voted in the election, but did not recall seeing their names checked off on the eligibility list. You did not, however, provide any member names to OLMS. Finally, you stated that you surveyed twenty 1st tour members through Facebook. Out of the 16 who responded, 12 stated they voted and 4 stated they did not vote.

The Department's investigation determined that 8 of the 12 Facebook witnesses whom you said voted, cast a ballot in the election and 3 were not members and were not eligible to vote and had not been mailed a ballot. Although the remaining individual stated that he voted, he was listed on the voter eligibility list, but was not checked off as having voted.

OLMS' review of employer and election records determined that 290 votes were cast by members assigned to the three tours at the Lindbergh postal facility for the position for

which you ran. There were 212 members assigned to the 1st tour and 83 of them cast ballots in the election resulting in a 39.15% voter participation rate. Additionally, the Lindbergh postal facility provides a secure mailbox for employees to mail letters. The mailbox is located inside the employees' entrance prior to entering the work area. A clerk (not a mail handler) from the Cancellation Section is assigned to collect the mail at this mailbox around 3:00 p.m. each day; mail handlers do not work in the Cancellation Section. There is no evidence that ballots were not properly handled at the Lindbergh facility. Accordingly, there was no violation of the LMRDA.

You also alleged that you heard that union stewards may have collected voted ballots from members and did not forward the ballots to the tally in violation of Section 401(c) of the LMRDA. Based on the information you heard, you estimated that approximately 50-75 members who support you gave their voted ballot package to your opponent, the chief steward, and another steward.

During the investigation, you did not provide the names of members who provided this information to you. Moreover, you only identified one member as having had her ballot collected by a steward and that member stated that she mailed the ballot herself and denied that a steward solicited her ballot. There was no violation of the LMRDA.

Finally, you alleged that you heard that a few members provided their blank ballots to the same stewards in violation of Section 401(e), which provides that elections shall be conducted in accordance with the constitution and bylaws of the labor organization. Article VI, Section 2(E) of the National and Local Constitutions of the National Postal Mail Handlers Union provides that no candidate or member may solicit a blank ballot from another eligible voter.

The investigation determined that you did not know who provided this information to you and you had no further information on the issue. There was no violation of the LMRDA.

For the reasons set forth above, the Department concludes that there was no violation that may have affected the outcome of the election. Therefore, I have closed the file on these matters.

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

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