



March 31, 2015



Dear [REDACTED]

This Statement of Reasons is in response to your complaint filed with the U.S. Department of Labor on November 26, 2014, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act occurred in connection with the election of officers conducted by the National Postal Mail Handlers Union Local 325, on July 9, 2012.

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 local used union funds and its facility to promote incumbent President Earnest Wallace's campaign by holding a union picnic on June 9, 2012, one month before the election. You also alleged that by inviting recently retired Regional Director Charles Reynolds to the cookout, Wallace gave the members the false impression that Reynolds and the national office were supporting Wallace in the election.

Section 401(g) of the LMRDA prohibits the use of union funds to promote the candidacy of any person in an election subject to the provisions of Title IV. The investigation established that union funds were used to pay for the cookout and that Charles Reynolds, a former Mail Handlers regional director who retired on March 31, 2012, attended the function.

The investigation, however, did not reveal any evidence that Wallace, Reynolds, or any other person campaigned at the June 9, 2012 event. When interviewed, Reynolds denied campaigning and stated that he did not witness any campaigning by others while at the cookout. While four attendees at the cookout agreed with your allegation that Reynolds' presence at the cookout may have given members the false impression

that he supported the incumbent officers who invited him to the cookout, Reynolds' mere presence at the cookout, without any evidence of campaigning by him or others, does not constitute a violation of the LMRDA. You acknowledged that you briefly attended the cookout and did not see or hear any campaigning. Moreover, although you provided the names of witnesses to the alleged campaigning, those witnesses, when interviewed by the Department, stated that they did not observe or hear any campaigning during the cookout. There was no evidence of union-financed campaigning. There was no violation of the LMRDA.

You alleged that incumbent President Wallace and state representative Ollie Clemmons campaigned to members on the floor of the USPS General Mail Facility (GMF) in Jackson, Mississippi and pressured them to vote for Wallace in the election.

Section 401(g) of the LMRDA prohibits the use of union funds to promote the candidacy of any person in an election subject to the provisions of Title IV. Wallace, a full time equipment operator at the Jackson GMF, denied that he campaigned on the GMF work floor during the election. The Department interviewed 13 persons (members and former members) who worked at the Jackson GMF in June and July 2012. Of the 13 persons, only one member stated that he witnessed campaigning on the work floor of the GMF. This member stated that all candidates, including you, reminded co-workers in one-on-one conversations about the election and asked for their support. Even if this one member's observations are correct, it appears that all candidates campaigned to this individual such that it cannot be said that employer funds were used to promote one candidate over another. There was no violation of the LMRDA.

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,

Patricia Fox, Chief
Division of Enforcement

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