



March 20, 2015



Dear [REDACTED]:

This Statement of Reasons is in response to your September 14, 2014 complaint filed with the U.S. 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 Service Employees International Union (SEIU) Local 503 conducted from April 29 to May 1, 2014.

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 no violation occurred which may have affected the outcome of the election.

You allege that Local 503 failed to follow its bylaws regarding the submission of ballots in violation of Section 401(e) of the LMRDA. Section 401(e) of the LMRDA provides that a union election shall be conducted in accordance with the constitution and bylaws of such organization insofar as they are not inconsistent with the provisions of Title IV.

The investigation established that Local 503 permitted approximately twenty union members, yourself included, to hand deliver ballots to the union's Salem Headquarters; however, Article XV, Section 6(g) of Locals 503's bylaws direct that "All ballots will be returned by mail." The investigation also established that Local 503 had a longstanding practice of accepting hand-delivered ballots and notified members in advance of the election that they could submit ballots at Salem Headquarters. As Local 503's bylaws state that ballots will be returned by mail, the investigation disclosed that the union failed to follow its bylaws in violation of the LMRDA.

However, section 402(c)(2) of the LMRDA provides that an election will only be overturned where a violation may have affected the outcome of the election. This violation did not affect the outcome of the election. No union member testified that any ineligible persons were permitted to vote because Local 503 allowed in-person voting. Moreover, there is no evidence that members were unaware that they could vote in person or that any particular candidate benefited from members being able to vote in

person. Rather, the investigation showed that Local 503 informed union members in its nomination and election notice that ballots could be delivered to its headquarters; that Local 503 had accepted ballots delivered in person for decades; and that you delivered your own ballot in person and had voted in-person in previous elections. Moreover, you did not allege and the investigation did not reveal that voter secrecy or ballot integrity was compromised by hand-delivery of the ballots. There was no violation of the LMRDA which would provide a basis for litigation by the Department.

With respect to your remaining allegations, the Department has concluded that you failed to properly exhaust internal union remedies. Section 402 of the LMRDA requires a union member to exhaust internal union remedies prior to filing a complaint with the Secretary of Labor. Pursuant to Section 402, a member may file a complaint with the Secretary within one calendar month of receiving a final decision on an internal protest, 29 U.S.C. § 402(a)(1), or a member who has invoked internal union remedies for three months without receiving a final decision may file a complaint with the Secretary within one month of the expiration of that three month period, 29 U.S.C. § 402(a)(2). *See also* 29 C.F.R. § 452.135(b).

Your allegations concerning Local 503's failure to provide you with certain election records, adequate time to inspect ballots following the election, or an opportunity to cross-examine union employee [REDACTED] are not properly before the Secretary. The Department investigation established that you did not file a protest with Local 503 regarding these issues as required by Section 402 of the LMRDA. Rather, you raised these issues for the first time in your appeal of the election results to International President Mary Kay Henry, dated July 24, 2014. You should have filed a complaint with Local 503 regarding these issues. Inasmuch as you did not exhaust internal union remedies with respect to these allegations, the Secretary does not have jurisdiction with respect to these allegations. *See* 29 C.F.R. § 452.135(b).

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred that may have affected the outcome of the election. Accordingly, our office has closed the file on this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

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