



October 8, 2015

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your March 19, 2015 complaint filed with the U.S. Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 ("LMRDA") occurred in connection with the election of officers conducted by the Communications Workers of America Local 13000 ("the Local") on November 13, 2014.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that no violation occurred that may have affected the outcome of the election. Following is an explanation of this conclusion.

You alleged that employer resources were used by your opponent in the race for Western Region vice president. Section 401(g) of the LMRDA prohibits the use of employer funds to promote candidacy. Specifically, you claimed that a Local member distributed your opponent's campaign literature to other members while they worked at a Pittsburgh call center. You were unable to provide and the Department's investigation did not reveal any witness to this alleged act, and your opponent denied giving literature to anyone to distribute in this way. There was no violation.

You also alleged that, in violation of the election rules, your opponent's campaign literature was posted on the Local's bulletin boards at three different locations: East Liberty, State College, and Wilksburg. The Department's investigation revealed that, in each of these three locations, posted literature was promptly removed as soon as it was discovered by the Local members responsible for taking care of the boards. Credible evidence indicated that, at each location, the literature was only on the board for a few days at most. Because the violation of the election rules was promptly remedied, and there was no evidence of differential treatment amongst candidates, there was no violation of the LMRDA that may have affected the outcome of the election.

You also maintained that your opponent's campaign literature was left on the seats of workers at the State College site on two consecutive days. It is unclear whether this practice violated union or employer policy. Moreover, this literature was the same literature that had been mailed to all Local members. Even if this was a violation, only 23 members at the State College site voted in the election, and only 16 members voted for your opponent. Given the margin between you and your opponent in the election was 63 votes, there was no effect on the outcome of the election.

You next claimed that Unit 44, Branch 7 conducted a membership meeting that was not properly coordinated with the Local's office and that improper campaigning may have occurred at the meeting. The investigation did not reveal that there was campaigning or election-related activity at that meeting. Accordingly, there was no violation of Title IV of the LMRDA.

Your complaint further alleged that two Local representatives impermissibly campaigned on company and/or union time to Local members while at a work site on October 14, 17, and 20, 2015, in violation of section 401(g) of the LMRDA. Section 401(g) prohibits the use of union or employer funds to promote candidacy. The investigation revealed that both representatives were present at the site in connection with legitimate union business, and any campaign activity that occurred was incidental to their legitimate purposes of visiting the site. Campaigning incidental to regular union business is not a violation. 29 C.F.R. 452.76. This was not a violation of Title IV of the LMRDA.

Next, you alleged that a Local member impermissibly campaigned on various dates at tablet training classes. The investigation did not substantiate this allegation. The Department spoke with each of the tablet training class instructors conducting classes on those various dates as well as the member who was alleged to have campaigned, and all deny that any campaigning occurred. Accordingly, there was no violation of the statute.

In addition to the allegations discussed above, you previously raised an allegation regarding certain e-mail communications. You have withdrawn that allegation. Moreover, our review of the e-mails at issue reveals that they were of an informational, "get-out-the vote" nature, and did not promote any candidacy. There was no violation of Title IV of the LMRDA.

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, the office has closed the file on this matter.

Sincerely,

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Chief, Division of Enforcement

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