



February 16, 2016



Dear [REDACTED]

This Statement of Reasons is in response to the complaint you filed with the United States Department of Labor (Department) on June 16, 2015, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA or Act), occurred in connection with the election of officers completed by the American Postal Workers Union (APWU), Local 6176, on March 28, 2015.

The Department 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 of the Act that may have affected the outcome of the election.

You alleged that Local 6176 used an unratified Constitution and Bylaws to conduct the March 2015 election. Specifically, you alleged that the unratified Constitution and Bylaws eliminated the District Coordinator position and replaced it with two Clerk Craft Director positions for the St. Croix and St. Thomas/St. John districts. You alleged that this revision to the Constitution and Bylaws prevented a former officer from running as a candidate. Section 401(e) of the LMRDA requires that elections must be conducted in accordance with the constitution and bylaws of the union in so far as they are not inconsistent with the provisions of the Act. Section 401(e) also provides that every member in good standing shall be eligible to be a candidate and to hold office.

The Department's investigation found that the new Constitution and Bylaws were amended and ratified in accordance with constitutional requirements. The constitution provides for amendments by referendum passed by majority vote of the membership. The Department of Labor investigation revealed that in accordance with the constitutional requirements, Local 6176 mailed a ballot package to members in June 2014 requesting their vote on proposed amendments to the Constitution. A majority of members voted in favor of the amendments, and the amended Constitution was

adopted in September 2014. The Department reviewed a copy of the election results, with the majority of the members voting in favor of the new Constitution and Bylaws. Although Local 6176 had not distributed copies of the new Constitution and Bylaws, as you contended, the Local does not require distribution following amendment as a prerequisite for ratification, and the LMRDA does not speak to this issue.

Further, the Department's investigation revealed that the former officer you wished to nominate was ineligible to run for office in this election. By letter dated July 9, 2014, the Trial Board found this individual guilty of failing to perform duties required as an officer. As a result, the former officer was prohibited from running for any elected officer for 2 years. Accordingly, there is no evidence that Local 6176 improperly revised the Constitution and Bylaws to prevent this candidate from running, as you allege. Rather, the evidence shows that the Constitution and Bylaws were revised and then properly ratified and used to conduct the election. There was no violation of the LMRDA.

You next alleged that Local 6176 failed to provide adequate notice of the nomination meetings for the St. Croix and St. Thomas/St. John locations. Section 401(e) requires that unions provide a reasonable opportunity for the nomination of candidates. This requirement includes the requirement to provide timely notice of nominations and nomination requirements. See 29 C.F.R. § 452.56.

Article VI, Section 1(E) of the Constitution and Bylaws states that the Election Committee must prepare a written notice announcing the nomination meeting and election process 15 days before the nomination meeting date. Nominees present at the meeting are required to accept nomination at the meeting. The Department's investigation found that the nomination meetings were held on February 20, 2015 for St. Croix and on February 22, 2015 for St. Thomas/St. John. The nomination meeting notices were posted at both locations on February 7, 2015. Thus, the St. Croix posting was less than 15 days prior to the February 20, 2015 nomination meeting as required by the Local's Constitution and Bylaws. However, the investigation did not find and you did not provide the name of any member who was prevented from nominating a candidate or from being nominated due to the shortened time period. Members were also given an additional 7 days after the meeting to make self-nominations. Accordingly, there was no violation of the Act that may have affected the outcome of the 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,

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Chief, Division of Enforcement

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