



September 27, 2016



Dear [REDACTED]:

This Statement of Reasons is in response to your March 28, 2016 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 the union officer election conducted by the Civil Service Employees Association/ American Federation of State and County Municipal Employees, Local 1000 (CSEA) in 2016. CSEA 1000 held the election by mail; ballots were mailed on January 19, 2016 and tallied on February 10, 2016.

The Department of Labor (Department) conducted an investigation of your allegations. As a result of the investigation, the Department concluded that the allegations did not give rise to violations of the LMRDA.

You alleged that during the voting period, CSEA provided information about the number of votes cast and the associated regions/locals from which the ballots were received to the incumbent slate but that information was not shared with your slate. The Department of Labor investigation revealed that this allegation was not timely filed under the protest procedures set forth in the CSEA Constitution & Bylaws. Under Section 402(a) of the LMRDA, the Department may only consider a complaint if the protesting member properly "exhausted the remedies available under the constitution and bylaws" of the local union and any parent body. 29 U.S.C. § 482(a)(1). The CSEA Constitution & Bylaws, Article III, Section 5 states:

Any member believing him or herself aggrieved by any aspect of the nomination or election process may file a written protest with the Statewide Election Committee (SEC) by certified mail, return receipt requested. Such written protest must be postmarked within ten calendar days after the member first knew or should have known of the act or omission complained of.

The investigation revealed that you first learned about the facts underlying your allegation in a conversation with the union's attorney on February 2, 2016. Accordingly, a protest with regard to this issue should have been filed no later than 10 calendar days after you learned of it, or by February 12, 2016. You filed your protest with the CSEA Statewide Election Committee on February 18, 2016. Because you did not file your protest with the union in a timely manner, the Department may not consider the substance of the allegation.

You also alleged that CSEA violated the LMRDA by denying members the opportunity to vote. In particular, you asserted that CSEA improperly excluded members of CSEA Local 100B, the unit containing childcare providers, from voting in the 2016 election. Section 401(e) of the LMRDA provides, in relevant part, that in any covered election "a reasonable opportunity shall be given for the nomination of candidates and every member in good standing shall . . . have the right to vote"

Article III, Section 2 of the CSEA Constitution and Bylaws establishes that only members "in good standing as of December 1 of the year preceding the election will be eligible to vote in the election." Article IV, Section 2a sets out the dues schedule for union members and states that independent childcare providers must pay a minimum of \$420 in dues annually. CSEA interprets these provisions to mean that members must keep current in their dues to be in good standing and eligible to vote.

The Department's investigation revealed that none of CSEA Local 100B's approximately 430 members had paid the minimum dues. Thus, no Local 100B member was in good standing by the December 1, 2015 deadline for eligibility to vote in the 2016 election. Further, the investigation found that CSEA made information about its dues schedule available to the childcare providers represented by Local 100B. CSEA also sent its July-August newsletter which included notice of the upcoming election and warned of the need to stay current in dues to be eligible to vote to those childcare providers who signed membership cards. There was no violation.

For the reasons set forth above, the Department concluded that no violation of the LMRDA occurred. Accordingly, the office has closed the file on this matter.

Sincerely,

Sharon Hanley, Chief
Division of Enforcement

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