



May 2, 2017

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your February 6, 2017 complaint filed with the United States Department of Labor (Department) alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the November 3, 2016 election of officers of the International Brotherhood of Teamsters (IBT), Local 614.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that there was no violation that may have affected the outcome of the election.

You alleged that President Dennis Krogstad and the incumbent slate of candidates improperly campaigned by holding meetings where union-purchased pizza was served to members at various employer sites. Section 401(g) of the LMRDA provides that no resources of a labor organization or employer are to be contributed or applied to promote the candidacy of any person in an election.

The Department's investigation determined that, during August and September 2016, Mr. Krogstad and other incumbent candidates from his slate held a series of meetings at employer worksites where they provided pizzas purchased with union credit cards. In August 2016, Mr. Krogstad held three meetings at the Flint Barrette Outdoors Manufacturing Plant. The Department's investigation revealed that Mr. Krogstad organized these meetings to discuss right-to-work issues and because the members had asked for a worksite meeting during the June 2016 IBT delegates election. On September 20, 2016, Mr. Krogstad held three meetings at the Gestamp Lapeer Plant. During the investigation, Mr. Krogstad stated these meetings were held to address potential layoffs and a possible company merger.

On September 22, 2016, Mr. Krogstad held three meetings at the Waterford Rite Aid Distribution Facility. The Department's investigation revealed that these meetings were

held to discuss issues concerning the employer's contract and arbitration violations, as well as to fulfill a promise made during the IBT delegates' election to have an on-site meeting with food. Lastly, Billie Hawkins, Local 614 Secretary-Treasurer, held one meeting at Pontiac First Student Bus Depot. During the investigation, Ms. Hawkins explained that she purchased pizza because the officers had promised those members during their latest contract ratification that they could celebrate by having a pizza party. Although this party was originally scheduled for August 2016, it was rescheduled because the employer did not sign the contract until September 2016.

In assessing whether the use of union resources constitutes campaigning, the Department looks at the timing, tone, and content of the particular activity. Here, the timing of these meetings suggests that the meetings were related to the campaign because they occurred a few months prior to the election and, while the officers occasionally held meetings at employer worksites, the officers did not regularly conduct this number of meetings. Further, the officers had never provided food at worksite meetings before. However, the Department's investigation did not reveal any evidence that overt campaigning occurred during these meetings; instead, these meetings were held to address various union issues.

The timing and increased number of these meetings in relation to the election of officers and combined with the introduction of union provided food at the meetings are indications of campaigning involving the use of union funds, even in the absence of overt campaigning. However, section 402(c) of the LMRDA provides that an election will only be overturned where a violation may have affected the outcome of the election. During the investigation, the Department determined that only 69 members from these locations, who may or may not have attended the meetings, voted in the election. The smallest margin of victory in the election was in the Trustee race, which was won by a margin of 92 votes. Thus, even if the meetings were a violation of the LMRDA, they could not have affected the results of the election. There was no violation affecting the outcome of the election.

For the reasons set forth above, it is concluded that, to the extent a violation occurred, there was no effect on the election. Accordingly, the office has closed the file on this matter.

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

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