



August 20, 2018



Dear [REDACTED]

This Statement of Reasons is in response to your February 7, 2018 complaint filed with the United States Department of Labor alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the March 2, 2017 election of officers of National Postal Mail Handlers Union (NPMHU) Local 318, in Orlando, Florida.

The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded, with respect to your specific allegation, that there was no violation which may have affected the outcome of the election.

You alleged that the election results, as certified by the Judges of Election were invalid, because you received by email four different certifications of results, each of which was signed by the Judges of Election. Specifically, you alleged that, when you attempted to print the certified election results to post for union members at your branch, two conflicting vote tallies were printed. You later tried to print the certifications again, resulting in two additional and conflicting vote tallies, most notably in the results for branch president, Tampa/Ybor.

Section 401(c) of the LMRDA, 29 U.S.C. § 481(c), requires that adequate safeguards to insure a fair election must be provided. See also 29 C.F.R. § 452.110. Failure to properly tally the ballots would violate the LMRDA's adequate safeguards provision. The Department's investigation did not substantiate your allegation. First, you were unable to provide the investigator with any copies of the certified election results that differed from the official election results. Second, the Department's investigator conducted a recount of the ballots in the eight contested races. The results of the recount precisely matched the official tally, with the exception of a one-vote difference in the local president race and a two-vote difference in the branch president, Royal Palm, race. The margins of victory for local president and branch president, Royal Palm, were 216 and 43, respectively. Thus, any violation that occurred due to miscounting one or two votes could not have affected the outcome of either race.

For the reasons set forth above, the Department of Labor concludes that no violation occurred that may have affected the outcome of the election. Accordingly, I have closed the file on this matter.

Sincerely,



Sharon Hanley
Chief, Division of Enforcement

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