



December 18, 2018

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your complaint received by the Department of Labor on March 5, 2018, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure occurred in connection with the election of officers of Local 249 (local or Local 249), International Brotherhood of Teamsters, conducted on November 17, 2017.

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

You alleged that many ballots appeared to be filled out with the same marker and in a mechanical or systematic way suggesting that one person may have cast all such votes or made copies of the same ballot. In support of your allegation, you claimed that a member whom you did not identify told you that another co-worker filled out 26 ballots for other members. Section 401(c) of the LMRDA requires unions to provide adequate safeguards to ensure a fair election, including safeguards to protect against ballot fraud. *See* 29 C.F.R. § 452.110.

The investigation disclosed that the local provided adequate safeguards to ensure against ballot fraud. The local, under your leadership as local president, hired TrueBallot (company) to conduct its mail ballot election. The president of TrueBallot was present at the tally. He provide information concerning the steps his company took to protect against ballot fraud. First, each of the company's ballots had the top left corner removed at exactly the same place and angle, making it difficult to precisely replicate the ballot. Second, no ballot is counted unless accompanied by its stub which verifies the voter's eligibility. If a ballot with the attached stub were copied, TrueBallot's system would recognize the barcode as one that was previously scanned; if someone had copied a ballot and attempted to create a new barcode, the system would

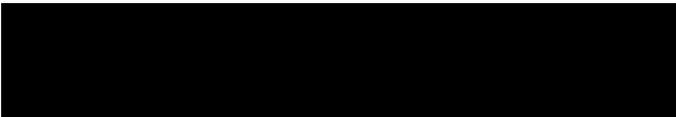
indicate a “not found” error message. The TrueBallot president further stated that he saw no non-conforming ballots while overseeing the tally. The Department reviewed every ballot cast and found no evidence of fraud. The local provided adequate safeguards to ensure a fair election by providing measures to protect against ballot fraud. There was no violation.

You made three other allegations: the local’s membership database, known as its TITAN system, was inoperable for several days resulting in delay of the mailing and receipt of the ballots; the opposing slate campaigned using the union’s logo, and the opposing slate campaigned using the employer’s logo. Article XXII, section 5(a) of the International Constitution requires a member protesting a non-eligibility issue, such as these three allegations, to file a pre-election protest with the local secretary-treasurer within 48 hours of the member’s knowledge of the event.

You were aware of the facts surrounding these three allegations but failed to file an election protest within the requisite timeframe. Consequently, those allegations are dismissed. *See* 29 C.F.R. § 452.136(b-1) (Secretary of Labor precluded from including in his complaint a violation which was known to the protesting member but was not raised in the member’s protest to the union).

For the reasons set forth above, the Department has concluded that no violation of the LMRDA occurred, and I have closed the file in this matter.

Sincerely,

A large black rectangular redaction box covering the signature of Sharon Hanley.

Sharon Hanley
Chief, Division of Enforcement

cc: James P. Hoffa, General President
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, DC 20001

Kevin Schmitt, President
Teamsters Local 249
4701 Butler Street
Pittsburg, PA 15201