



November 9, 2018

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the United States Department of Labor on October 31, 2017. The complaint alleged that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (“LMRDA” or “Act”), occurred in connection with the election of officers, conducted by the Transport Workers Union Local 101 (“Local 101” or “union”), which was completed on February 22, 2017, by acclamation.

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 of the Act.

You alleged that Local 101 failed to provide you with a reasonable opportunity to nominate yourself as a candidate when the union did not mail you a combined nomination and election notice. Section 401(e) of the LMRDA states that members must be given a reasonable opportunity to nominate candidates and that every member in good standing shall be eligible to be a candidate and to hold office. It further requires unions to mail an election notice to each member at his last known home address not less than fifteen days prior to the election.

The Department’s investigation found that on January 10, 2017, Local 101 mailed a combined notice of nominations and election (“Notice”) to its active dues-paying members, but did not mail the Notice to its retired dues-paying members. The record shows that you were the union’s only retired dues-paying member.

Although the Department’s investigation confirmed that Local 101 failed to mail the Notice to you, the investigation also established that you had notice of the nomination process and the election. Notably, during the investigation, you acknowledged meeting with the incumbent president on January 26, 2017, to discuss running as a candidate on her slate. Additionally, the Department received and reviewed your social media posts

from February 3, February 6, and February 11, 2017, in which you discussed Local 101's upcoming officer election. Those posts, combined with your discussions with the incumbent president about joining her slate, establish that you were aware of the nomination and election process and could have taken steps to nominate yourself, but failed to do so.

Lastly, it is significant to note that you served as Local 101's president from January 1988 through August 2012. Your more than 24 years as the president of the local union undermines your claim that you were not aware of Local 101's nomination and election process. The Department investigation revealed that Local 101 has held nominations for officer elections in February since at least the mid-1990s. As such, even though the union failed to mail you the Notice, that violation had no effect on the outcome of the election, given the evidence establishing you were otherwise aware of the Local 101 nomination and election process.

Accordingly, this office has closed the file on this matter.

Sincerely,

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

Sharon Hanley,  
Chief, Division of Enforcement

cc: John Samuelson, International President  
Transport Workers Union  
501 3<sup>rd</sup> Street NW, 9<sup>th</sup> Floor  
Washington, DC 20001

Constance Bradley, President  
TWU Local 101  
195 Montague Street, 3<sup>rd</sup> Floor  
Brooklyn, NY 11201

Arthur Schwartz, Principal Attorney  
Advocates for Justice Chartered Attorneys  
225 Broadway Suite 1902  
New York, NY 10007

Beverly Dankowitz, Associate Solicitor for Civil Rights and Labor-Management