



July 7, 2009



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint that you filed with the United States Department of Labor ("Department") on April 14, 2009 alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 ("the Act"), as amended 29 U.S.C. §§ 481-484, occurred in connection with the re-run of the regular election for the National Vice President of the Third District of the American Federation of Government Employees AFL-CIO ("AFGE" or the "Union") completed on January 10, 2009.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded with respect to each of your specific allegations that no violation occurred that may have affected the outcome of the election.

You allege that a candidate for the position of National Vice President in the April election, Keith Hill, used union and employer resources to campaign in violation of Section 401(g) of the Act, 29 U.S.C. § 481(g), inasmuch as he used union logos and his business address as President of AFGE Local 1647 in a campaign letter. Section 401(g) prohibits the use of employer and union funds to promote the candidacy of any person in an election covered by the Act. The Department's investigation revealed that Hill used union logos and his business address as President of AFGE Local 1647 in a campaign letter. The investigation also revealed that the Union's election manual specifically permits candidates to use the logos on easily identifiable campaign material as long as the use does not imply the Union's support for the candidate. In this case, Hill's campaign material meets that standard, and the use of the logos was not a violation of the Act. Further, Hill's inclusion of his business address and contact information in the signature line of the letter is also not by itself a violation of the Act, and there was no evidence that any one used that information to contact Hill such that Hill could be viewed as using union resources for campaigning. The investigation did

not disclose any evidence that Hill used employer or union resources to campaign or solicited people to contact him at his work address for campaign purposes.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA that may have affected the outcome of the election, and I have closed the file in this matter.

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

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