



January 8, 2009

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed on October 10, 2008, with the Department of Labor alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 481-484, occurred in connection with the election of officers conducted by the Postal Mail Handlers, Local 321 (local), on June 4, 2008. The Department of Labor (Department) conducted an investigation of your allegation and has concluded, with respect to your allegation, that there was no violation that may have affected the outcome of the election.

You alleged that the local removed your campaign material from the Denver bulk mail center union bulletin board. The employer has designated a bulletin board at its facility for union use. However, the board is part of the employer's facility and is maintained as such by the employer. The board at issue is glass-enclosed and locked with a key. The union has custody and control of the key to the board. The union has a past practice of allowing candidates to post campaign materials on the union bulletin boards.

The investigation revealed that you noticed that your campaign material was missing from the board on May 27, 2008, and you notified the election chairperson. The election chairperson immediately offered to repost your campaign material, but you waited until May 29, 2008 to have your material reposted. The investigation also revealed that on June 1, 2008, you discovered that your campaign literature was, once again, removed from the union bulletin board. An election judge offered to re-post your literature, but you declined her offer. The investigation revealed that although union officials had custody of the key to the bulletin board, the condition of the board was such that it was possible for anyone to reach into the glass enclosure and remove material. The investigation did not reveal any evidence of anyone who may have witnessed the removal of your campaign literature. Although you provided the name of someone who witnessed the removal of the campaign literature, when interviewed by

Department investigators, the witness denied that he saw anyone removing campaign material from the bulletin board at any time and denied that he told you this.

Local election officials responded promptly in addressing and attempting to remedy the situation. The investigation revealed no evidence that the local was responsible for removing your campaign literature on either occasion. There was no violation.

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 am closing our file regarding this matter.

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

cc: Mr. John F. Hegarty, President
Postal Mail Handlers
Suite 500
1101 Connecticut Avenue, NW
Washington, DC 20036

Mr. Michael Hora, President
Postal Mail Handlers, Local 321
1833 Elk Place
Denver, Colorado 80211