

Local 1181-1061
Amalgamated Transit Union A.F.L.-C.I.O.

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This update concerns the United States Department of Labor's ("the DOL") investigation of a Complaint the Salerno Members for Change United Slate ("the Salerno Slate") filed concerning the June 2014 election of Local 1181 officers.

As you may recall, Cordiello Slate members prevailed in the election, most by at least 500 votes. The members voted to uphold the results of the election at a membership meeting by a vote in which well over 400 members approved dismissal of the Salerno Slate's challenges and only 3 opposed.

The Salerno Slate filed 12 challenges to the election with the DOL. The DOL is not pursuing almost all of the Salerno Slate's challenges.

However, we are disappointed to learn that the DOL investigation found that federal law was violated in the election in two respects. **WE ARE PROVIDING THIS UPDATE SO THAT YOU KNOW THE TRUTH ABOUT THE DOL'S FINDINGS RATHER THAN RUMORS.**

The DOL did NOT find any intentional interference in the conduct of the election or that any Local 1181 officer engaged in any misconduct.

The DOL is not seeking the disqualification of any candidate and is not reversing the results of the election.

Indeed, the DOL does not have the final say. The DOL will file an action in court. Because we disagree with the DOL's findings, Local 1181 will contest the lawsuit. A federal judge will decide whether or not there will be a new election supervised by the DOL.

The DOL investigation found that approximately 255 ballots of eligible members were not counted and that the mailing company Local 1181 retained (and used without any complaints in the last two elections) used an incomplete membership list in distributing a Salerno Slate campaign mailing. The DOL believes that these alleged violations may have affected the outcome of the election.

Local 1181 denies that federal law was violated or that any violation may have affected the outcome of the election. Among the reasons we disagree with the DOL, Local 1181 did not count 207 of the 255 voted ballots (out of more than 6300 votes overall) because the Salerno Slate objected to Local 1181 counting those votes. **Local 1181 wanted to count those ballots because those members were eligible and ought to have their votes counted.** To proceed with an orderly vote count (overseen by the neutral, non partisan American Arbitration Association, the leading group overseeing union elections nationwide, which has overseen several Local 1181 officer elections and contract ratification votes.) It was jointly determined by Local 1181 and the AAA to abide by the Salerno Slate's insistence that these ballots not be counted. Ironically, the DOL has found that doing so was a violation of federal law. **It is certainly unfair for the DOL to penalize Local 1181 for a problem it did not cause.** Even if there was a violation, the number of eligible votes not counted is not enough to change almost any of the results of the election.

The DOL also ignores that the Salerno Slate campaigned by various methods besides a mailing, including appearances at members' worksites, maintaining a campaign website, paid radio campaign ads on 1010 WINS, opportunities to campaign on Haitian community radio programs where one of the Salerno Slate members had a radio show, robocalls, campaigning at trip sites during the day, and mass text messages. We do not believe that any member cast a ballot without the opportunity to be fully informed about the positions and qualifications of all the candidates, many of whom have run in the last 3 officer elections. Again, even if there was a violation, it could not have affected the outcome of the election.

We have made important progress as a union since the election and we continue to confront important challenges. Although a lawsuit and a new election can be unfortunately costly and time-consuming distractions at this critical time, we will continue fighting for the restoration of the EPPs including at our February 10th Lobby Day in Albany, negotiating fair collective bargaining agreements, and representing you to the best of our ability every day.

We will provide updates as this matter develops.

Fraternally,
ATU Local 1181-1061
The Executive Board