



ATU LOCAL 1181-1061
UPDATE TO MEMBERSHIP ON
DEPARTMENT OF LABOR ELECTION CASE
JUNE 5TH, 2015



This update concerns the United States Department of Labor's ("the DOL") lawsuit against Local 1181 relating to the June 2014 union election.

As you may recall, the DOL conducted an investigation into the election and rejected almost all of the allegations of the Salerno Members for Change United Slate ("the Salerno Slate"). However, as we have previously informed you, the DOL claims that two federal union election requirements were violated: 1/ a campaign flyer by the Salerno Slate was not mailed to approximately 8% of the eligible membership and 2/ that some 257 eligible votes (out of some 5,600) were not counted by the American Arbitration Association ("AAA") at the ballot count. As you know from prior updates, it was the Salerno Slate that objected to the counting of 207 of those votes, which the AAA would otherwise have counted.

Local 1181 denies that federal law was violated or that any violation may have affected the outcome of the election. Because the DOL does not have the final say, a federal judge, after hearing the facts, will eventually decide whether or not there will be a new election.

You may recently have received or heard about a recent text message from the Salerno Slate with many FALSE allegations about the lawsuit. Contrary to the statements in the text message, no union delegates appeared, or were supposed to appear, in court on June 3. The DOL is NOT alleging that any Local 1181 officer engaged in fraud or any other misconduct. The DOL is NOT seeking to disqualify any candidate. The DOL is NOT reversing the results of the election. This lawsuit is a civil, not criminal, action. No Executive Board Member is being prosecuted. The DOL is not alleging ANY criminal conduct in the lawsuit. There is NO possibility that any Executive Board Member would go to jail as a result of the lawsuit.

The truth is as follows: On June 3, Local 1181's counsel appeared in court for a routine initial scheduling conference before a magistrate judge (not the judge who will ultimately hear and decide the case). The Court set a schedule for what is known as "discovery". Discovery is a process whereby the DOL and Local 1181 can find out from each other what evidence they have that relates to the case. Under the Court's schedule, this process will run through late January of next year. There is no fixed time for a final decision by the Court but, under the Court's schedule, there will be no decision until next year. Even if the Court ultimately agrees with the DOL, all that will happen is there will be a new election. In the meantime, the Court's schedule also calls for the DOL and Local 1181 to explore the possibility of a settlement, which the Union will certainly pursue.

This is just the latest communication from the Salerno Slate containing false and malicious statements. Local 1181 is consulting with its lawyers about a possible defamation lawsuit against the Salerno Slate for the many lies in the text message.

False statements that your union officers are guilty of fraud and may be going to jail affect you and undercut the Union's work on behalf of the membership. Such false statements, at the least, are a time consuming distraction. More importantly, they can interfere with, and undermine, the union's efforts in handling grievances; negotiating important collective bargaining agreements with our employers; pushing organizing campaigns to bring in new members to increase the Union's clout; and, critically, jeopardize our ongoing efforts with Mayor deBlasio and our allies in Albany to have legislation passed requiring that the City restore the EPPs, as well as to secure public support for these initiatives. If you have any questions about rumors and allegations, please speak to your delegate to get the facts.

We will continue to provide accurate updates as this matter develops so that you are fully informed about the facts.

Fraternally,
ATU Local 1181-1061
The Executive Board