

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 INTERNATIONAL UNION, UNITED)
 AUTOMOBILE, AEROSPACE, AND)
 AGRICULTURAL IMPLEMENT)
 WORKERS OF AMERICA,)
)
 Defendant.)

Case No. 20-13293
Honorable David M. Lawson

SUPPLEMENT TO MONITOR'S SEVENTH STATUS REPORT

Pursuant to Paragraph 58 of the Consent Decree (Dkt. No. 10), the Court-appointed Monitor, Neil M. Barofsky, respectfully submits to the Court this report supplementing the Monitor's seventh status report ("Supplemental Report") concerning the monitorship of the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (the "Union" or the "UAW").

On June 16, 2023, the Monitor filed a Seventh Status Report regarding the results of the 2022 UAW International Officer Election ("2022 Election") and 2023 UAW International Officer Run-Off Election ("Run-Off Election") (collectively, the "Elections").¹ The Seventh Status Report was submitted to the Court upon completion of all "internal protest and appeal procedures," as required by the rules for the 2022 UAW International Officer Election ("Election Rules") and the 2023 UAW International Officer Run-Off Election ("Run-Off Rules") (collectively, the "Rules").² The Seventh Status Report was intended to serve the limited purpose of formally certifying the Elections' results. As that Report indicated, the Monitor plans to file a comprehensive report with the Court concerning the Monitor's oversight of the Elections after all outstanding protests have been addressed by the Department of Labor ("DOL").³

On June 22, 2023, the Court ordered the Monitor to "submit a supplemental report specifying (1) the number of election complaints received and resolved by the Monitor, (2) the names of the complainants for each complaint, (3) a brief summary of the allegations of election defects in each complaint, (4) the Monitor's disposition of the complaint, (5) an indication whether the disposition of the complaint has been appealed to the Department of Labor, (6) if the complaint was appealed, the present status of the appeal before the agency, and (7) if the complaint was not

¹ Monitor's Seventh Status Report, *USA v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (June 16, 2023), Civil No. 20-cv-13293, ECF No. 104 ("Seventh Status Report").

² Election Rules § 2-15; Run-Off Rules § 2-15.

³ See Seventh Status Report at 2.

appealed, the time when the complainant’s right to appeal expired or will expire.”⁴ This Supplemental Report addresses the Court’s Order.

* * *

Under Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (“LMRDA”), union members may file a complaint with DOL concerning any claimed violation of applicable law, rules, or regulations in connection with a labor election, provided they have first availed themselves of the remedies available within the labor union itself under its governing documents.⁵ The Consent Decree in this case provides that UAW members retain that ability to pursue such relief before DOL in connection with the direct election of International Union officers.⁶

Consistent with those commands, the Rules provided that any member challenging the Elections had to first file a complaint—or “protest”—with the Monitor.⁷ Following the Monitor’s review of such protest and issuance of a decision within the prescribed period, an unsatisfied

⁴ Order Directing Monitor to Submit Supplemental Report, *USA v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (June 22, 2023), Civil No. 20-cv-13293, ECF No. 105 (“Supplemental Report Order”) at 1-2.

⁵ See 29 U.S.C. § 482; see also *Union Officer Elections A Complainant’s Guide*, U.S. Department of Labor, <https://www.dol.gov/agencies/olms/compliance-assistance/elections/compliants> (explaining that the LMRDA requires that members first file a protest with the union, as it “gives the union a chance to look into the member’s allegations and to correct any problems”).

⁶ See Consent Decree ¶ 13.

⁷ Election Rules § 9-1; Run-Off Rules § 9-1. In addition to these formal complaints, the Monitor received thousands of inquiries, informal complaints, and outreach to the Monitor’s “Election Hotline.” Those communications were submitted confidentially and typically consisted of questions and concerns that did not invoke the protest procedures under the Rules. See Declaration of Glen G. McGorty, *William Lehman v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.*, and *Neil M. Barofsky* (Nov. 21, 2022), Civil No. 22-cv-12790, ECF No. 19 ¶¶ 13, 14 (noting that between October 17 and November 18, 2022, the Monitor received over 1,050 calls or emails to the Election Hotline); *Contact the UAW Monitor*, UAW Monitor, <https://www.uawmonitor.com/contact> (stating that “[e]xcept with respect to formal election protests, the identity of the provider of any question, concern, tip, or complaint will be kept confidential to the extent possible and consistent with any Court order, and will not be disclosed to the UAW absent consent”). None of these communications met the requirements for a formal protest under the Rules but, in any event, to the extent that any member making one intended to file a formal protest or pursue relief before DOL but did not, the timeline for doing so has elapsed.

member could then file a complaint with DOL.⁸ The Rules set forth various procedures governing the process for filing a formal protest, including setting deadlines⁹ and filing requirements.¹⁰

For the 2022 Election, the Monitor received fifteen (15) such formal election protests from seven (7) complainants; and, for the Run-Off Election, the Monitor received twelve (12) protests from nine (9) complainants. By June 15, 2023, the Monitor had evaluated and resolved each of them, allowing the Monitor to certify the results of the Elections on June 16, 2023, in the Seventh Status Report.¹¹ As described further below, although the Monitor found a limited number of violations during the course of the Elections and addressed them with remedial actions to the extent possible,¹² the Monitor found that the vast majority of protests did not support a violation. In all events, the Monitor determined that no protest had substantiated a violation that impacted the results of either the 2022 Election or the Run-Off Election.

For the 2022 Election, two (2) complainants appealed the Monitor's ruling on a total of six (6) protests by filing a complaint with DOL. Of those, four (4) have been denied by DOL and two (2) are still pending.¹³ With regard to these pending protests, DOL has stated that it "is currently investigating the allegations raised," and that it had "notified the UAW and the Monitor of the

⁸ Election Rules § 9-1; Run-Off Rules § 9-1. Consistent with the LMRDA, the Rules provide that if the Monitor has not ruled on a protest within three calendar months, the member may proceed to file a complaint with the DOL at that point. *See id.* (citing 29 U.S.C. § 401(a)).

⁹ Election Rules § 9-2(a); Run-Off Rules § 9-2(a) (providing that a pre-election protest must be filed "within ten (10) calendar days of the day when the protestor [became] aware or reasonably should have become aware of the action protested"); Election Rules § 9-3(a); Run-Off Rules § 9-3(a) (providing that a post-election protest must be filed by the later of "(1) fifteen (15) calendar days of the unofficial announcement of the applicable [Election] results; or (2) five (5) business days of the date when the protestor [became] aware of the action protested").

¹⁰ *See, e.g.*, Election Rules § 9-2(e); Run-Off Rules § 9-2(e); Election Rules § 9-3(c); Run-Off Rules § 9-3(c) (providing that "[a] protest must be filed in writing and sent by email to the Monitor. The protest shall contain a clear and concise statement of the grounds for the protest and the complainant's name, address, phone number, and Local Union affiliation"). The Rules also provide that it is "the burden of the protestor to present evidence that a violation has occurred." Election Rules § 9-1; Run-Off Rules § 9-1.

¹¹ *See* Seventh Status Report.

¹² The Monitor remediated violations of the Rules to the extent possible when the Monitor learned of conduct that violated the Rules, even if the violation was not raised in a protest that followed the deadlines and formal filing requirements set forth in the Rules.

¹³ *See* Exhibit A (describing DOL's decision to deny the "Third, Fourth, and Fifth Election Complaints" and the "Seventh Election Complaint").

agency's preliminary findings and requested that the UAW and the Monitor provide additional information pertaining to three of the complainant's allegations" by August 4, 2023,¹⁴ with DOL's decision due by September 18, 2023.¹⁵ Of the twelve (12) protests concerning the Run-Off Election, the complainants for two (2) protests appealed the Monitor's ruling by filing a complaint with DOL, and those protests are pending before DOL.¹⁶ The time for any other complainant to appeal to DOL has now expired. Further detail concerning the pending complaints before DOL is included below and in Exhibit A, which is a summary provided by DOL concerning the status of each election complaint filed with the agency.

Pursuant to the Court's Order, the remainder of this Supplemental Report sets forth the requested information for each complaint. Protests for the 2022 Election are discussed first, in chronological order of when they were filed with the Monitor. These are followed by protests for the Run-Off Election, which in turn are followed by other complaints raised to the Monitor and the Court.

¹⁴ See *id.* (describing DOL's pending investigation into the "*Sixth Election Complaint*").

¹⁵ See *id.* Although DOL typically has 60 days in which to bring suit under the LMRDA, see 29 U.S.C. § 482(b), the UAW agreed to extend that deadline to September 18, 2023. See Letter from DOL to UAW Counsel (June 22, 2023).

¹⁶ See Exhibit A (describing DOL's pending investigation into the "*Eighth Election Complaint*" and the "*Ninth Election Complaint*").

I. The 2022 Election

The Monitor received the following election protests concerning the 2022 Election:

2022 Election Protest No. 1: John Weyer (filed August 22, 2022)
<ul style="list-style-type: none"> • Summary of Allegations: Mr. Weyer alleged that James Harris, Candidate for Region 1 Director, made a speech and that individuals campaigned for members of the Curry Solidarity Team slate at picnics paid for by Local 1700 and Local 869, in violation of the Rules prohibiting the use of Union resources to support particular candidates. • Disposition: The Monitor constructively denied the protest, finding that the allegation that Union resources were used to campaign for particular candidates was unsubstantiated.¹⁷ • Deadline to Appeal to DOL: December 22, 2022 • Appeal to DOL: No • Status Before DOL: N/A
2022 Election Protest No. 2: Sharon Bell (filed September 5, 2022)
<ul style="list-style-type: none"> • Summary of Allegations: Ms. Bell alleged that the appearance of Slate affiliations on the 2022 Election ballot, and not just candidate names, violated the UAW Constitution. • Monitor’s Disposition: The Monitor denied the protest, finding that the appearance of Slate affiliations on the 2022 Election ballot was required under the Rules and consistent with past UAW practice. • Deadline to Appeal to DOL: October 7, 2022 • Appeal to DOL: September 21, 2022 • Status Before DOL: Denied¹⁸
2022 Election Protest No. 3: Sharon Bell (filed September 7, 2022)
<ul style="list-style-type: none"> • Summary of Allegations: Ms. Bell challenged the Monitor’s decision to not include Ms. Bell’s preferred name, “Ms. Bell,” on the 2022 Election ballot, without specifying the legal basis for a violation. • Monitor’s Disposition: The Monitor denied the protest, finding that including full names—and not nicknames—of candidates on the ballot was a reasonable decision within the authority of the Monitor pursuant to Paragraph 13 of the Consent Decree which empowers the Monitor to “develop all election rules and methods” in consultation with the UAW.

¹⁷ The Monitor contacted Mr. Weyer after he lodged this protest to obtain more information regarding it. Because Mr. Weyer did not respond to follow up requests regarding this particular protest, the Monitor did not inform him of the rejection of the protest. Mr. Weyer had the right to appeal to DOL three months after filing his complaint with the Monitor, but did not do so. See 29 U.S.C. § 482(a).

¹⁸ See Exhibit A (describing DOL’s decision to deny the “*Third, Fourth, and Fifth Election Complaints*”).

<ul style="list-style-type: none"> • Deadline to Appeal to DOL: October 10, 2022 • Appeal to DOL: September 30, 2022 • Status Before DOL: Denied¹⁹
<p>2022 Election Protest No. 4: John Weyer (filed September 9, 2022)</p>
<ul style="list-style-type: none"> • Summary of Allegations: Mr. Weyer alleged that politically appointed International Union staff members were campaigning for incumbent members of the International Executive Board that were running for International Office in the 2022 Election, without specifying the legal basis for a violation. • Monitor’s Disposition: The Monitor denied the protest because campaign activity by Union staff members in their personal capacity using only personal resources was permitted under the Rules, and any allegation that Union resources were used was unsubstantiated. • Deadline to Appeal to DOL: November 7, 2022 • Appeal to DOL: No • Status Before DOL: N/A
<p>2022 Election Protest No. 5: Brandon Mancilla (filed September 28, 2022)</p>
<ul style="list-style-type: none"> • Summary of Allegations: Mr. Mancilla alleged that all members of Local Union 2320 should have been directed to vote for the Regional Director of Region 9A in the 2022 Election rather than the Regional Director of the UAW Region in which their workplace was geographically located, in violation of the LMRDA. • Monitor’s Disposition: The Monitor denied the protest, finding that, consistent with governing law and UAW past practice, members of Local Union 2320 would have the opportunity to vote for the Regional Director where the workplace unit to which they are assigned is geographically located.²⁰ • Deadline to Appeal to DOL: November 7, 2022 • Appeal to DOL: No • Status Before DOL: N/A
<p>2022 Election Protest No. 6: Michael Cannon (filed October 3, 2022)</p>
<ul style="list-style-type: none"> • Summary of Allegations: Mr. Cannon alleged that campaign literature sent to the UAW Southwest Florida retiree chapter was created on Union time using Union funds and

¹⁹ See *id.*

²⁰ Following the Monitor’s ruling on the protest, Mr. Mancilla and a co-plaintiff filed a motion for preliminary injunction and temporary restraining order, asking a federal court to enjoin the Union and the Monitor from implementing their decision on how to assign the members of Local 2320 to vote in the 2022 Election. See *Mancilla v. Barofsky*, No. 22-CV-12443, 2022 WL 16536221, at *1 (E.D. Mich. Oct. 28, 2022). The Court denied the plaintiffs’ motion, *id.*, and ballots were thereafter distributed to members of Local 2320 based on the geographic location of their workplace unit. The case was later dismissed.

expressed support for the Curry Solidarity Team slate, in violation of the Rules prohibiting the use of Union resources to support particular candidates.

- **Monitor's Disposition:** The Monitor denied the protest, finding that the literature at issue did not constitute campaign literature.
- **Deadline to Appeal to DOL:** December 14, 2022
- **Appeal to DOL:** No
- **Status Before DOL:** N/A

2022 Election Protest No. 7: John Weyer (filed October 19, 2022)

- **Summary of Allegations:** Mr. Weyer raised a complaint that an email advocating for James Harris, Candidate for Region 1 Director, may have been sent using Union resources, in violation of the Rules prohibiting the use of Union resources to support particular candidates.
- **Monitor's Disposition:** The Monitor found that the noted email was sent by the election vendor consistent with the Rules' procedures available equally to all candidates, and therefore constructively denied the protest.²¹
- **Deadline to Appeal to DOL:** February 21, 2023
- **Appeal to DOL:** No
- **Status Before DOL:** N/A

2022 Election Protest No. 8: Margaret Mock (filed October 20, 2022)

- **Summary of Allegations:** Ms. Mock alleged that: (1) James Harris, Candidate for Region 1 Director, campaigned at a Local Union 400 event; (2) Mr. Harris distributed campaign literature using Union resources; and (3) Ray Curry, Candidate for International President, spoke and raised funds at a Local 10 retiree meeting, all in violation of the Rules prohibiting the use of Union resources to support particular candidates.
- **Monitor's Disposition:** The Monitor granted the protest in part and denied the protest in part, finding that: (1) Mr. Harris's appearance at the Local 400 (Region 1) event constituted activity within the scope of his official job duties as then-Region 1 Director, rather than impermissible campaigning; (2) the letter distributed by Mr. Harris constituted activity within the scope of Mr. Harris's official job duties as then-Region 1 Director, rather than impermissible campaigning; and (3) a Local Union Officer permitted Mr. Curry to campaign at a Local Union 10 (Region 8) retiree meeting without inviting other candidates for President, in violation of the Rules. The Monitor issued a warning letter to the Local Union Officer concerning the violation. The Monitor further found that the violation did not impact the results of the 2022 Election as the margin of votes by which Mr. Curry qualified for the

²¹ Mr. Weyer was not informed of the Monitor's determination regarding this protest. Mr. Weyer therefore had the right to appeal to DOL three months after filing his complaint with the Monitor, and that right expired one month thereafter. *See* 29 U.S.C. § 482(a).

<p>Run-Off Election was substantially higher than the number of votes potentially impacted by the violation.</p> <ul style="list-style-type: none"> • Deadline to Appeal to DOL: February 13, 2023 • Appeal to DOL: No • Status Before DOL: N/A
<p>2022 Election Protest No. 9: Margaret Mock (filed October 26, 2022)</p> <ul style="list-style-type: none"> • Summary of Allegations: Ms. Mock alleged that: (1) Local 3000 leadership used a Local Union newsletter and official Facebook page to campaign for the Curry Solidarity Team slate; (2) Local 889 used its official Facebook page to campaign for the Curry Solidarity Team slate; and (3) Local 211 had campaign materials in support of the Curry Solidarity Team slate displayed in its Local Union hall, all in violation of the Rules prohibiting the use of Union resources to support particular candidates. • Monitor’s Disposition: The Monitor granted the protest in part and denied the protest in part, finding that: (1) Local 3000 (Region 1A) had posted campaign material to its Facebook page, but the underlying material did not constitute a “newsletter” that used Union resources; the Monitor contacted the page administrator and confirmed that they removed the content from the Facebook page; (2) Local 889 (Region 1) had posted campaign material to its Facebook page; the Monitor contacted the page administrator and confirmed that they removed the content from the Facebook page; and (3) the claim regarding Local 211 (Region 2B) was unsubstantiated. • Deadline to Appeal to DOL: February 13, 2023 • Appeal to DOL: No • Status Before DOL: N/A
<p>2022 Election Protest No. 10: Margaret Mock (filed November 11, 2022)</p> <ul style="list-style-type: none"> • Summary of Allegations: Ms. Mock alleged that a retired member and the Local Union leadership of Local 2320 used Union resources to obtain email addresses and thereafter campaigned for the Curry Solidarity Team slate by email outside of the Rules’ process, in violation of the Rules prohibiting the use of Union resources to support particular candidates. • Monitor’s Disposition: The Monitor denied the protest, finding that Union resources were not used to send the emails in question. • Deadline to Appeal to DOL: February 13, 2023 • Appeal to DOL: No • Status Before DOL: N/A

2022 Election Protest No. 11: Sharon Bell (filed November 11, 2022)

- **Summary of Allegations:** Ms. Bell alleged that: (1) the Curry Solidarity Team slate used Union resources to send a campaign email; (2) she was denied access to campaign at a Local 600 retiree meeting though another candidate was allowed to speak; (3) Local 900 had a meeting during which campaign literature for a candidate on the Curry Solidarity Team slate was on a table; (4) she was “being discriminated against and retaliated against for [being] a woman [] who had filed complaints [with DOL], [the] Court, Grievances, NLRB Charges . . . and PRB cases”; (5) individuals from Local 598 took action to prevent Ms. Bell from campaigning but allowed others to campaign; (6) after an October 2022 Local 600 retiree meeting, an unnamed person at the Local 600 Lake Orion Plant was “yelling to the people coming into the gate” and intimidating a woman who was distributing campaign literature; and (7) an individual at Local 245 took action to prevent a member of Ms. Bell’s team from campaigning.
- **Monitor’s Disposition:** The Monitor denied the protest, finding that: (1) the Monitor had already found a violation regarding the Curry Solidarity Team slate’s use of Union resources in connection with the identified email and offered remediation to all candidates;²² (2) Ms. Bell was properly denied permission to campaign at the Local 600 (Region 1A) retiree meeting and the other candidate present did not campaign at the meeting, and the claim was untimely; (3) there may have been a violation when Local 900 (Region 1A) had a meeting during which campaign literature for the Curry Solidarity Team was on a table, but any violation could not have impacted the results of the 2022 Election as the Curry Solidarity Team slate members on the ballot in Region 1A either were unopposed, lost their race, or qualified for the Run-Off Election by a larger number of votes than the number of votes impacted by the alleged violation; (4) the protest did not provide, nor was the Monitor aware of, any evidence to support the allegation that Ms. Bell was discriminated and retaliated against; (5) Ms. Bell was properly denied permission to campaign at the Local 598 (Region 1D) meetings and the protest did not provide, nor was the Monitor aware of, any evidence that other candidates were allowed to campaign there; (6) the protest did not provide, nor was the Monitor aware of, any evidence to support the allegation concerning the alleged actions at the Local 600 (Region 1A) Lake Orion Plant; and (7) there may have been a violation with respect to the exclusion of Ms. Bell’s team member from campaigning outside a Local 245 (Region 1A) meeting, but the claim was untimely and, regardless, could not have impacted the results of the 2022 Election given the small number of people in attendance at the meeting and the margin of victory in the International Vice President race.
- **Deadline to Appeal to DOL:** March 10, 2023

²² Before receiving this protest, the Monitor had been notified that, on October 26, 2022, the Curry Solidarity Team slate sent a campaign email to approximately 1,200 email addresses associated with UAW members in Region 2B using Union resources. After investigating the alleged misconduct, the Monitor determined that the October 26, 2022 email was a campaign email, and the email was sent to a list of email addresses which were in part obtained from a Union resource—namely, a list of UAW members who had signed up to receive communications from UAW Region 2B. As remediation, the Monitor offered any affected candidates—meaning, any opponent of any candidate belonging to the Curry Solidarity Team slate—the opportunity to send an email of similar length to the same list of approximately 1,200 individuals. Several candidates took advantage of this remediation opportunity, but Ms. Bell did not.

<ul style="list-style-type: none"> • Appeal to DOL: March 9, 2023 • Status Before DOL: Pending²³
2022 Election Protest No. 12: Sharon Bell (filed November 17, 2022)
<ul style="list-style-type: none"> • Summary of Allegations: Ms. Bell alleged that the Curry Solidarity Team slate used Union resources to send a campaign email, in violation of the Rules. • Monitor’s Disposition: The Monitor denied the protest, which was based on the same set of facts underlying part of 2022 Election Protest No. 11 identified above, finding that the Monitor had already found a violation regarding the Curry Solidarity Team slate’s use of Union resources in connection with the identified email and offered remediation to all candidates, including Ms. Bell.²⁴ • Deadline to Appeal to DOL: December 19, 2023 • Appeal to DOL: December 11, 2022 • Status Before DOL: Denied²⁵
2022 Election Protest No. 13: Nicholas Greco (filed December 9, 2022)
<ul style="list-style-type: none"> • Summary of Allegations: Mr. Greco alleged that the notice of the 2022 Election provided to UAW members was insufficient because not all Union members received ballots and that the Curry Solidarity Team slate and Monitor worked together to deny certain members the right to vote in the 2022 Election, all in violation of the LMRDA, in addition to claiming other unspecified violations. • Monitor’s Disposition: The Monitor denied the protest, finding that all allegations, including that members were denied the right to vote and that there was legally insufficient notice of the election, were unsubstantiated. • Deadline to Appeal to DOL: April 10, 2023 • Appeal to DOL: No • Status Before DOL: N/A
2022 Election Protest No. 14: Sharon Bell (filed December 14, 2022)
<ul style="list-style-type: none"> • Summary of Allegations: Ms. Bell alleged that: (1) the appearance of slate names on the ballot violated the UAW Constitution and interfered with the 2022 Election; (2) the Monitor did not provide Ms. Bell with the total number of ballots that were returned as undeliverable and did not respond to Ms. Bell’s inquiries regarding what corrective actions were taken to deliver these ballots to their intended recipients; (3) more members in closed Local Unions voted than appear to be tallied in the “AL” (meaning “At-Large”) printout from the vote count; (4) “many of [Ms. Bell’s] voters did not get [Ms. Bell’s] campaign flyer or messages”

²³ See Exhibit A (describing DOL’s pending investigation into the “Sixth Election Complaint”).

²⁴ See *supra* n.22.

²⁵ See Exhibit A (describing DOL’s decision to deny the “Third, Fourth, and Fifth Election Complaints”).

because the Global Mailing List “was not up to date,” and the Election Vendor told Ms. Bell that she was not listed on the “UAW International National Roster” and that that is why Ms. Bell did not receive emails sent to the Global Mailing List during the election cycle; (5) Region 2B and Region 9 had several Local Unions that did not cast any ballots; (6) Ms. Bell’s campaign materials in the July/August/September 2022 edition of *Solidarity Magazine* were “not easy to read” as “the print was too small” and therefore should have been reprinted; (7) Ms. Bell raised her hand, but was not called on, several times during the September 19, 2022 Vice Presidential Candidate Forum; (8) the vote count was inaccurate; (9) “handling, storing [and] resending” of ballots was deficient”; (10) there was poor communication between the Local Unions, International Union, and the Monitor; (11) there was improper activity at Local Unions generally, including at Local 160, Local 659, and Local 1700; and (12) Local 909 retirees had a meeting in which buttons for James Harris, Candidate for Region 1 Director, were worn, but Ms. Bell was prevented from campaigning. The protest also repeated some claims brought in Ms. Bell’s November 11, 2022 protest.

- Monitor’s Disposition:** The Monitor denied the protest, finding that: (1) the Monitor denied Ms. Bell’s prior protest regarding the appearance of Slate names on the ballots;²⁶ (2) the Monitor did not refuse to respond to Ms. Bell’s request for the number of ballots returned as undeliverable, which were provided to observers (including Ms. Bell) at the Count Site, or the Monitor’s corrective efforts, which were provided in a document posted to the Monitor’s website; (3) for purposes of the vote count, the votes of retired members from closed Local Unions were reported as part of the “Local 8683” precinct for each Region. Separately, individuals who requested a ballot but did not provide sufficient information regarding their Local Union and/or Region received “At-Large” ballots and their votes were reported as part of the “At-Large” Region; (4) Ms. Bell’s protest did not include more than generalized statements about the Global Mailing List, and lacked specifics about how any particular issue impacted Ms. Bell’s ability to transmit campaign literature; (5) the protest did not provide further specificity on how the fact that several Local Unions in Region 2B and Region 9 may not have cast any ballots constituted a violation, and the mere fact that some members did not vote in the 2022 Election is not itself a violation of the Rules or law; (6) the claim was untimely and the UAW printed candidate literature as each candidate submitted them, including all formatting and font choices, thereby treating candidates equally; (7) the claim was untimely, and the September 19, 2022 Vice Presidential Candidate Forum was moderated by an individual unaffiliated with the Monitor or UAW who endeavored to provide equal time to all participating candidates, and the Monitor found that Ms. Bell was not disadvantaged by the moderator in any way as compared to other candidates; (8) the protest did not provide, nor was the Monitor aware of, any evidence supporting the allegation that the vote count was inaccurate; (9) the protest did not provide, nor was the Monitor aware of, any evidence supporting the allegation that ballot handling, storage, and distribution was deficient; (10) the protest did not provide, nor was the Monitor aware of, any evidence supporting the allegation that there was poor communication between the Local Unions, International Union, and the Monitor; (11) the claim was untimely and the protest did not provide, nor was the Monitor aware of, any evidence supporting the allegation that there was improper activity at Local Unions generally, including at Local 160 (Region 1), Local 659 (Region 1D), and Local 1700 (Region 1); and

²⁶ See *supra* 2022 Election Protest No. 2.

(12) the claim was untimely, unsubstantiated, and, even if true, would not have impacted the results of the 2022 Election as Mr. Harris was not Ms. Bell’s opponent and he was not elected.

- **Deadline to Appeal to DOL:** March 10, 2023
- **Appeal to DOL:** March 9, 2023
- **Status Before DOL:** Pending²⁷

2022 Election Protest No. 15: William Lehman (filed December 19, 2022)

- **Summary of Allegations:** Mr. Lehman alleged that: (1) the notice of the 2022 Election provided to UAW members was insufficient; (2) the UAW engaged in widespread “voter suppression” during the Election, specifically targeting demographics he believes would have supported his candidacy; (3) there were “numerous incidents of voter intimidation directed against [his] supporters” during the 2022 Election, and that Union “officials deliberately coordinated these intimidation efforts among each other, in order to obstruct [Mr. Lehman’s] campaign’s ability to reach rank-and-file members”; and (4) the Monitor “failed to effectively supervise” the Union’s administration of the 2022 Election, all in violation of the LMRDA and the Rules.
- **Monitor’s Disposition:** The Monitor denied the protest, finding that: (1) the claim was untimely and the protest did not provide sufficient, credible evidence to substantiate the allegations that the Union provided insufficient notice of the 2022 Election, and consistent with the Rules and Title IV of the LMRDA, the Monitor and the UAW—working with Local Unions and the Election Vendor—took reasonable steps to update the Union’s mailing lists such that ballots were mailed to members’ last known addresses; (2) the majority of the claim was untimely, with the exception of the claim that Mr. Lehman’s vote was not counted (but Mr. Lehman’s vote *was* counted), and the protest did not provide sufficient, credible evidence to substantiate his allegations that the Union took any particular action to prevent members—including his supporters—from exercising their right to vote without interference under LMRDA § 401(e), or to excise any other right protected under the LMRDA; (3) the majority of claims were untimely and the protest did not provide sufficient, credible evidence to substantiate the allegations of voter intimidation, nor did the protest offer evidence to substantiate the theory that there was a broader coordinated effort by the UAW to obstruct his campaign; and (4) the claim was partially untimely and the protest did not provide sufficient, credible evidence to substantiate the allegations that the Monitor failed to supervise the 2022 Election.
- **Deadline to Appeal to DOL:** April 19, 2023
- **Appeal to DOL:** March 29, 2023
- **Status Before DOL:** Denied²⁸

On July 3, 2023, Mr. Lehman brought an action against DOL in federal court, arguing that DOL’s decision to deny his protest “was arbitrary, capricious, an abuse of discretion, and

²⁷ See Exhibit A (describing DOL’s pending investigation into the “*Sixth Election Complaint*”).

²⁸ See *id.* (describing DOL’s decision to deny the “*Seventh Election Complaint*”).

otherwise not in accordance with the law.”²⁹ The matter is pending in the Eastern District of Michigan.

II. The Run-Off Election

The Monitor received the following election protests concerning the Run-Off Election:

Run-Off Election Protest No. 1: Sharon Bell (filed January 15, 2023)

- **Summary of Allegations:** Ms. Bell alleged that: (1) she should have been included on the ballot for International Vice President in the Run-Off Election because one of the two candidates in the race, Tim Bressler, announced that he was suspending his campaign; and (2) she identified “discriminatory practices against [her] candidacy.”
- **Monitor’s Disposition:** The Monitor denied the protest, finding that: (1) Mr. Bressler did not drop out of the race, no vacancy was created, and neither the UAW Constitution nor the Rules provided that a candidate who qualified for a run-off election and subsequently decided not to actively campaign would be replaced by a non-qualifying candidate; and (2) the allegations were unsupported by evidence or otherwise unsubstantiated.
- **Deadline to Appeal to DOL:** May 15, 2023
- **Appeal to DOL:** May 15, 2023
- **Status Before DOL:** Pending³⁰

Run-Off Election Protest No. 2: Shawn Fain (filed January 22, 2023)

- **Summary of Allegations:** Mr. Fain alleged that: (1) Local Union 788 improperly campaigned by posting a photo of a marked ballot for Ray Curry, Candidate for International President Candidate, and Chuck Browning, Candidate for International Vice President, on its official Facebook page; and (2) by posting campaign materials that used the Local 2301 letterhead and expressed support for Mr. Curry on Facebook, the Curry Solidarity Team slate improperly campaigned using Union resources, all in violation of the Rules prohibiting the use of Union resources to support particular candidates.
- **Monitor’s Disposition:** The Monitor granted the protest, finding that: (1) the campaigning material had been improperly (but inadvertently) posted to the Local Union 788 (Region 8) Facebook page and had been quickly removed prior to the Monitor’s contact with the page administrator; and (2) the letter from Local 2301 (Region 8) constituted advocacy for Mr. Curry using Union resources in violation of the Election Rules. The Monitor directed the administrator of the Curry Solidarity Team slate Facebook page to remove the letter (the only place it was known to be improperly posted) and directed the leadership of Local 2301 to stop any further distribution of the letter.

²⁹ See Complaint, *Will Lehman v. U.S. Dep’t of Labor and Acting Sec’y of Labor Julie A. Su* (July 3, 2023), Civil No. 23-cv-11585, ECF No. 1 at ¶ 37.

³⁰ See Exhibit A (describing DOL’s pending investigation into the “*Eighth Election Complaint*”).

- **Deadline to Appeal to DOL:** March 1, 2023
- **Appeal to DOL:** No
- **Status Before DOL:** N/A

Run-Off Election Protest No. 3: Shawn Fain (filed January 29, 2023)

- **Summary of Allegations:** Mr. Fain alleged that: (1) Local Union 551 used its official Facebook page to campaign for Ray Curry, Candidate for International President, and Chuck Browning, Candidate for International Vice President; (2) the President of Local 862 improperly campaigned using Union resources when he posted a video in support of Mr. Curry on the YouTube channel operated by the Vice President of the Local Union; and (3) the Region 1A Veterans Council Chair and Region 1A Director improperly campaigned by expressing their support for Mr. Curry and Mr. Browning at the January Region 1A Veterans Council meeting, all in violation of the Rules prohibiting the use of Union resources to support particular candidates.
- **Monitor's Disposition:** The Monitor granted the protest in part and denied the protest in part, finding that: (1) Local 551 (Region 4) had posted campaign material to its Facebook page; the Monitor contacted the page administrator and confirmed that they removed the content from the Facebook page; (2) the video did not violate the Rules because the President of Local 862 (Region 8) made these statements in his personal capacity and the platform the video was posted on does not constitute an official Union resource; and (3) the Region 1A Director was not present at the meeting but the Region 1A Veterans Council Chair did express his support for Mr. Curry and Mr. Browning at the meeting in violation of the Rules. The Monitor issued a warning letter to the Region 1A Veterans Council Chair and offered Mr. Fain the opportunity to have a similar statement made on his behalf at the next meeting. The Monitor further found that the violations did not impact the results of the Run-Off Election because Mr. Curry lost his race and the margin of votes by which Mr. Browning won over Mr. Bressler, the other candidate for International Vice President and also a member of the Curry Solidarity Team slate, was substantially higher than the number of votes impacted by the violation.
- **Deadline to Appeal to DOL:** (1) and (2) March 22, 2023; (3) March 10, 2023
- **Appeal to DOL:** No
- **Status Before DOL:** N/A

Run-Off Election Protest No. 5: Shawn Fain and Daniel Vicente (filed January 29, 2023)

- **Summary of Allegations:** Mr. Fain and Mr. Vicente alleged that Lauren Farrell, Candidate for Region 9 Director, other staff members of Region 9, and the leadership of the Local 634 Retiree Chapter improperly used Union resources to campaign for Ray Curry, Candidate for International President, Chuck Browning, Candidate for International Vice President, and Lauren Farrell, Candidate for Region 9 Director, by mailing campaign materials to retirees in Region 9, in violation of the Rules prohibiting the use of Union resources to support particular candidates.

- **Monitor’s Disposition:** The Monitor determined campaign material was sent to 132 retired members in violation of the Rules. The Monitor issued a warning letter to the letter writer but determined that Ms. Farrell and Region 9 staff played no role in the violation. The Monitor offered Mr. Fain and Mr. Vicente the opportunity to send a letter of similar length and format to the same list of individuals. The Monitor further found that the violations did not impact the results of the Run-Off Election because Mr. Curry and Ms. Farrell lost their races and the margin of votes by which Mr. Browning won over Mr. Bressler, the other candidate for International Vice President and also a member of the Curry Solidarity Team slate, was substantially higher than the number of votes impacted by the violation.
- **Deadline to Appeal to DOL:** March 1, 2023
- **Appeal to DOL:** No
- **Status Before DOL:** N/A

Run-Off Election Protest No. 6: Shawn Fain (filed February 1, 2023)

- **Summary of Allegations:** Mr. Fain alleged that Ray Curry, Candidate for International President, improperly campaigned using Union resources by accepting privileged access to the Fiat Chrysler Automobiles Detroit Assembly Complex Mack (“FCA DACM”) facility, represented by UAW Local 51, in violation of the Rules prohibiting campaigning at the workplace in violation of employer rules.
- **Monitor’s Disposition:** Mr. Fain’s protest was not ruled on prior to the Vote Count and was determined to be moot given that Mr. Fain was elected International President pursuant to the result of the Run-Off Election.
- **Deadline to Appeal to DOL:** June 1, 2023
- **Appeal to DOL:** No
- **Status Before DOL:** N/A

Run-Off Election Protest No. 7: Shawn Fain (filed February 23, 2023)

- **Summary of Allegations:** Mr. Fain alleged that: (1) Ray Curry, Candidate for International President, improperly campaigned by accepting privileged access to the General Motors Toledo Propulsion Systems facility, represented by UAW Local 14, in violation of the Rules prohibiting campaigning at the workplace in violation of employer rules; (2) the leadership of Local 848 improperly campaigned for the Curry Solidarity Team using Union resources by storing and distributing campaign materials in the Local Union hall, in violation of the Rules prohibiting the use of Union resources to support particular candidates; and (3) the Curry Solidarity Team’s hiring of the vendor Battleaxe Digital constituted a violation of the Rules because the vendor allegedly had access to proprietary information about the UAW’s membership and benefitted the campaign work done for the Curry Solidarity Team slate, in violation of the Rules prohibiting the use of Union resources to support particular candidates.

- **Monitor’s Disposition:** Mr. Fain’s protests were not ruled on prior to the vote count and were determined to be moot given that Mr. Fain was elected International President pursuant to the results of the Run-Off Election.
- **Deadline to Appeal to DOL:** June 23, 2023
- **Appeal to DOL:** No
- **Status Before DOL:** N/A

Run-Off Election Protest No. 8: Ray Curry and Lauren Farrell (filed March 15, 2023)

- **Summary of Allegations:** Mr. Curry and Ms. Farrell alleged that: (1) the notice of the Run-Off Election was inadequate; (2) there were “many instances where voters had difficulty procuring timely replacement ballots,” and that such delay caused the disenfranchisement of many UAW members; (3) two non-members of the UAW received ballots, and there was “no reason to believe that these [were] isolated instances”; (4) there were flaws in the campaign finance processes during the Run-Off Election, including improper campaign financing; (5) Daniel Vicente, Candidate for Region 9 Director, was not eligible to run under the UAW Constitution; (6) the Rules regarding campaigning on employer property were unclear; and (7) the Monitor improperly restrained the use of a contact list for campaigning.
- **Monitor’s Disposition:** The Monitor denied the protest, finding that: (1) the claim was untimely and the allegations challenging the sufficiency of the notice of the Run-Off Election were legally baseless, unsupported by evidence, or otherwise unsubstantiated, as consistent with the Rules and Title IV of the LMRDA, the Monitor and the UAW—working with Local Unions and the UAW’s Election Vendor—took reasonable steps to update the Union’s mailing lists such that ballots were mailed to members’ last known addresses; (2) the claim was untimely and the allegations regarding difficulty procuring timely replacement ballots were legally baseless, unsupported by evidence, or otherwise unsubstantiated, as the four individuals identified in the protest timely received replacement ballots and voted in the Run-Off Election; (3) the claim was untimely and the allegations regarding ineligible voters receiving ballots representing a broader issue with ballot distribution were legally baseless, unsupported by evidence, or otherwise unsubstantiated. Specifically, the two individuals identified in the protest were former UAW members whose status was changed to “inactive” in the Union’s recordkeeping system after they became supervisors, and there was no allegation that these two non-members voted in the Run-Off Election, and, even if they had, their ballots would not have been counted as they were not eligible to vote; (4) the claim was untimely and the allegations about flaws in the campaign finance processes during the Run-Off Election, including improper campaign financing, were unsupported by evidence or otherwise unsubstantiated; (5) the claim was untimely and the allegation that Mr. Vicente was not eligible to run under the UAW Constitution was legally baseless, unsupported by evidence, or otherwise unsubstantiated, as concerns about his eligibility were previously raised with the Monitor and rejected, with the agreement of the Union, on grounds that he had been a member in continuous good standing for the requisite time to run for International Office. Specifically, although Mr. Vicente’s employer failed to pay dues on his behalf for one month while Mr. Vicente was on leave, under the UAW Constitution and Run-Off Rules, the failure of a company to pay dues does not render a member delinquent or not in good

standing with the Union absent additional action by the Local Union’s financial secretary, which was not the case here; (6) the claim was untimely and the allegations regarding campaigning on employer property were not raised as a formal or proper protest; and (7) the claim was untimely and the allegation that the Monitor improperly restrained the use of a contact list for campaigning was unsupported by evidence, as the Monitor determined that the contact list is a Union resource and could not be used for campaigning under the Rules.

- **Deadline to Appeal to DOL:** July 17, 2023
- **Appeal to DOL:** July 12, 2023
- **Status Before DOL:** Pending³¹

Run-Off Election Protest No. 9: Henry Bertog (filed March 19, 2023)

- **Summary of Allegations:** Mr. Bertog alleged that: (1) the notice of the 2022 Election and Run-Off Election was inadequate as every member did not have an opportunity to cast a ballot; (2) Daniel Vicente, Candidate for Region 9 Director, should not have been allowed to run; and (3) the Monitor had demonstrated a “conflict of interest,” “lack of effort,” and “[extreme] bias and favoritism,” without specifying the legal basis for a violation.
- **Monitor’s Disposition:** The Monitor denied the protest, finding that: (1) the claim was untimely and the allegation that the notice of the 2022 Election and Run-Off Election was inadequate was without merit, as consistent with the Rules and Title IV of the LMRDA, the Monitor and the UAW—working with Local Unions and the UAW’s Election Vendor—took reasonable steps to update the Union’s mailing lists such that ballots were mailed to members’ last known addresses; (2) the claim was untimely and the allegation Mr. Vicente should not have been allowed to run was without merit, as concerns about his eligibility were previously raised with the Monitor and rejected, with the agreement of the Union, on grounds that he had been a member in continuous good standing for the requisite time to run for International Office. Specifically, while Mr. Vicente’s employer failed to pay dues on his behalf for one month while Mr. Vicente was on leave, under the UAW Constitution and Run-Off Rules, the failure of a company to pay dues does not render a member delinquent or not in good standing, absent additional action by the Local Union’s financial secretary, which was not the case here; and (3) the claim was untimely and the protest provided no evidence, nor was the Monitor aware of any evidence, to substantiate the allegations that the Monitor had a “conflict of interest,” “lack of effort,” or “[extreme] bias and favoritism.”
- **Deadline to Appeal to DOL:** July 17, 2023
- **Appeal to DOL:** No
- **Status Before DOL:** N/A

Run-Off Election Protest No. 10: Cheryl Stubblefield (filed March 21, 2023)

- **Summary of Allegations:** Ms. Stubblefield alleged that: (1) “several members received incomplete ballots or in some cases no ballots at all”; and (2) there was “mishandling of this

³¹ See Exhibit A (describing DOL’s pending investigation into the “*Ninth Election Complaint*”).

process” which “disenfranchises our membership and prohibits the equal opportunity right to vote” and “create[s] an unfair disadvantage in the overall count process for elected officials,” without specifying the legal basis for a violation.

- **Monitor’s Disposition:** The Monitor denied the protest, finding that: (1) the claim was untimely and the allegation that “several members received incomplete ballots or in some cases no ballots at all” was without merit, as the protest provided no evidence to support the allegations, and consistent with the Rules and Title IV of the LMRDA, the Monitor and the UAW—working with Local Unions and the Election Vendor—took reasonable steps to update the Union’s mailing lists such that ballots were mailed to members’ last known addresses; and (2) the claim was untimely and the protest did not provide any evidence, nor was the Monitor aware of any evidence, to support the allegation that there was a “mishandling” of the Elections or an “unfair disadvantage” in the vote count process.
- **Deadline to Appeal to DOL:** July 17, 2023
- **Appeal to DOL:** No
- **Status Before DOL:** N/A

Run-Off Election Protest No. 11: Sharon Williams (filed March 27, 2023)

- **Summary of Allegations:** Ms. Williams alleged that she did not receive a ballot for the Run-Off Election, without specifying the legal basis for a violation.
- **Monitor’s Disposition:** The Monitor denied the protest, finding that the claim was untimely and ballot packages were sent to Ms. Williams’s last known mailing address on file with the Union, consistent with the Rules and the LMRDA.
- **Deadline to Appeal to DOL:** July 17, 2023
- **Appeal to DOL:** No
- **Status Before DOL:** N/A

Run-Off Election Protest No. 12: Tom Laney (filed March 30, 2023)

- **Summary of Allegations:** Mr. Laney alleged that the notice of the 2022 Election and Run-Off Election was insufficient, citing low turnout and noting that “UAW Presidential Candidate Will Lehman has provided evidence that thousands of members received no notice of this election” and “[f]ormer UAW President Ray Curry has substantiated this evidence.”
- **Monitor’s Disposition:** The Monitor denied the protest, finding that the claim was untimely and the allegation that the notice of the 2022 Election and Run-Off Election was inadequate was without merit. Consistent with the Rules and Title IV of the LMRDA, the Monitor and the UAW—working with Local Unions and the UAW’s Election Vendor—took reasonable steps to update the Union’s mailing lists such that ballots were mailed to members’ last known addresses.
- **Deadline to Appeal to DOL:** July 17, 2023

- **Appeal to DOL:** No
- **Status Before DOL:** N/A

III. Additional Complaints

In addition to these protests, the Monitor also received complaints about the determination that retirees would not be eligible to run for and hold International Office. Though DOL considered these to be “protests” and thus included them in its attached submission,³² the Monitor instead dealt with such complaints through the Consent Decree’s procedures for candidates deemed ineligible for International Office, which provide that “[a] person disallowed from running for International Office by the Monitor may appeal the Monitor’s action to the Adjudications Officer[.]”³³ James Coakley, a retired UAW member, appealed the Monitor’s decision to the Adjudications Officer, this Court, and DOL, and each time the Monitor’s decision was affirmed.³⁴ Mr. Coakley has now brought an action against DOL in federal court to challenge its decision, which remains pending.³⁵ Similar challenges by Roberta Gainer, an active UAW member, and Sharon Bell, an active UAW member and former Candidate for International Vice President, have also been denied and are no longer active.³⁶

³² See Exhibit A (describing DOL’s decision to deny the “*First Election Complaint*” and “*Second Election Complaint*”).

³³ Consent Decree ¶ 47.

³⁴ See Decision of the Adjudications Officer at 1, 8 (Apr. 22, 2022) (affirming the decision of the Monitor); Opinion and Order Granting in Part and Denying in Part Motion by James R. Coakley for Appeal of an Interpretive Ruling of the Defendant’s Constitution, *USA v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (July 1, 2022), Civil No. 20-cv-13293, ECF No. 68 (affirming the decisions of the Monitor and Adjudications Officer); Order Denying Motion For Reconsideration and Dismissing Motion to Certify Question for Appeal, *USA v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (July 20, 2022), Civil No. 20-cv-13293, ECF No. 78 (same); Exhibit A (describing DOL’s decision to deny the “*First Election Complaint*”).

³⁵ See Order Regarding Recently Filed Motion to Dismiss, *James Coakley v. U.S. Dep’t of Labor* (July 7, 2023), Civil No. 23-cv-10977, ECF No. 10.

³⁶ See Order Denying Movant Sharon Bell’s Motion for Interpretive Ruling, *USA v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (November 7, 2022), Civil No. 20-cv-13293, ECF No. 87; Order Denying Movant Roberta Gainer’s Motion for Interpretive Ruling, *USA v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (January 31, 2023), Civil No. 20-cv-13293, ECF No. 100; Exhibit A (describing DOL’s decision to deny the “*Second Election Complaint*”); see also Order Denying Motion by Non-Parties Sharon Bell and Roberta Gainer For Leave to File Amicus Brief, *USA v. Int’l Union, United Auto., Aerospace & Agric.*

* * *

Pursuant to Paragraph 58 of the Consent Decree, the foregoing Report constitutes a supplement to the seventh report of the Monitor, Neil M. Barofsky. Subject to any further direction from the Court, the Monitor plans to provide a report on the resolution of DOL's review once that process is complete, as well as a report further summarizing the Monitor's oversight during the 2022 Election and Run-Off Election.

Date: July 25, 2023



Neil M. Barofsky, Monitor

*Respectfully filed with the Court on behalf
of the Monitor by counsel to the Monitor,*

/s/ Michael W. Ross

Michael W. Ross

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Implement Workers of Am. (May 19, 2022), Civil No. 20-cv-13293, ECF No. 61 (denying Ms. Gainer and Ms. Bell's motion for leave to file an amicus brief in support of Mr. Coakley's motion for relief on retiree eligibility).

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2023, the foregoing Report was served electronically on all counsel of record via the CM/ECF system. In addition, pursuant to Paragraph 58 of the Consent Decree, the foregoing Report was served on consent by electronic mail upon the United States, the UAW's International President, the International Executive Board, and designated counsel for UAW.

/s/ Michael W. Ross

Michael W. Ross

Exhibit A

U.S. Department of Labor

Office of Labor-Management Standards
Office of Field Operations
Frances Perkins Building
200 Constitution Avenue, NW, Suite N5119
Washington, DC 20210
(202) 693-1204 Fax: (202) 693-1343



July 20, 2023

The Honorable David M. Lawson
United States District Court
Eastern District of Michigan
Theodore Levin U.S. Courthouse
231 W. Lafayette Blvd., Room 775
Detroit, MI 48226

Dear Judge Lawson:

In response to Item six in your court order issued on June 22, 2023, the U.S. Department of Labor's Office of Labor-Management Standards (OLMS) respectfully submits the following summary of the seven election complaints filed with OLMS over the November 29, 2022 United Auto Workers (UAW) International officer election plus the two election complaints filed with OLMS over the March 1, 2023 UAW International officer runoff election, totaling nine.

First Election Complaint: On August 19, 2022, UAW member James Coakley filed an election complaint with OLMS under Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA), 29 U.S.C. §§ 481-483. OLMS investigated the allegations raised in this complaint. At the conclusion of its investigation, OLMS determined that the complaint did not allege a violation of the LMRDA that may have affected the outcome of the November 2022 UAW officer election and notified Mr. Coakley of its decision on October 20, 2022. The Department of Labor issued a Statement of Reasons discussing its investigative findings and its decision to dismiss the complaint.

Second Election Complaint: On August 22, 2022, UAW members Sharon Bell and Roberta Gainer jointly filed an election complaint with OLMS under Title IV of the LMRDA. OLMS investigated the allegations raised in this complaint. At the conclusion of its investigation, OLMS determined that the complaint did not allege a violation of the LMRDA that may have affected the outcome of the November 2022 UAW officer election and notified Ms. Bell and Ms. Gainer of its decision on October 20, 2022. The Department of Labor issued a Statement of Reasons discussing its investigative findings and its decision to dismiss the complaint.

Third, Fourth, and Fifth Election Complaints: On September 21 and 30, 2022 and December 11, 2022, UAW member Sharon Bell filed election complaints with OLMS under Title IV of the LMRDA. OLMS investigated the allegations raised in these complaints. At the conclusion of its investigation, OLMS determined that the complaints did not allege a violation of the LMRDA that may have affected the outcome of the November 2022 UAW officer election and notified Ms. Bell of its decision on March 16, 2023. The Department of Labor issued a Statement of Reasons discussing its investigative findings and its decision to dismiss these complaints.

The Honorable David M. Lawson
July 20, 2023
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Sixth Election Complaint: On March 9, 2023, UAW member Sharon Bell filed an election complaint with OLMS under Title IV of the LMRDA, challenging the November 2022 UAW officer election. OLMS is currently investigating the allegations raised in this complaint. However, based on its preliminary investigative findings, OLMS determined that three allegations required further evidence and explanation from both the UAW and the Monitor. On May 19, 2023, OLMS notified the UAW and the Monitor of the agency's preliminary findings and requested that the UAW and the Monitor provide additional information pertaining to three of the complainant's allegations. Specifically, OLMS requested additional information related to the efforts taken to obtain accurate mailing addresses for mail notice of the election and ballot packages to UAW members during the November 2022 officer election. Further, OLMS sought additional information related to candidates' abilities to distribute campaign literature at a local union retiree meeting. The UAW and the Monitor are working with OLMS to provide the additional requested information by August 4, 2023 so that OLMS can conclude its investigation of this complaint.

Seventh Election Complaint: On March 29, 2023, UAW member Will Lehman filed an election complaint with OLMS under Title IV of the LMRDA. OLMS investigated the allegations raised in this complaint. At the conclusion of its investigation, OLMS determined that the complaint did not allege a violation of the LMRDA that may have affected the outcome of the November 2022 officer election and notified Mr. Lehman of its decision on June 29, 2023. The Department of Labor is drafting a Statement of Reasons discussing its investigative findings and its decision to dismiss the complaint, which will be sent to the complainant when finalized.

Eighth Election Complaint: On May 15, 2023, UAW member Sharon Bell filed an election complaint with OLMS under Title IV of the LMRDA. OLMS is currently investigating the allegations raised in this complaint.

Ninth Election Complaint: On July 12, 2023, UAW members Ray Curry and Lauren Farrell filed an election complaint with OLMS under Title IV of the LMRDA. OLMS is currently investigating the allegations raised in this complaint.

Sincerely,



Brian A. Pifer
Director, Office of Field Operations