



May 17, 2023



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed with the U.S. Department of Labor (Department) on July 20, 2022, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA), 29 U.S.C. §§ 481-483, occurred in connection with the election of officers conducted by the International Longshoremen's Association (ILA), Local 2047, that was concluded on April 7, 2022.

The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded, with respect to your specific allegation, that there was no violation of the LMRDA that may have affected the outcome of the election. Following is an explanation of this conclusion.

You alleged that ineligible persons cast votes in the election. You asserted that members who had not worked through Local 2047 in decades were permitted to vote. You also alleged that members paid delinquent dues on election day. Section 401(e) of the LMRDA provides that every member in good standing is eligible to vote, and that elections must be conducted in accordance with a union's constitution and bylaws. 29 U.S.C. § 481(e).

The investigation revealed that Local 1349 merged with Local 2047 on January 22, 2021. Included in the voting records were two membership lists: one for Local 2047, dated 2020, and one for Local 1349, dated March 1, 2022. Investigators clarified with Local 2047 that the Local 2047 membership list was the one used for voting Local 2047 members despite it being dated 2020. Review of election records determined that 65 of approximately 90 active members voted in the election.

The investigation established that when members arrived at the union hall to vote, they checked in with Stephen Randle, Financial Secretary and Recording Secretary, who verified that the members were current on their dues. If a member owed outstanding dues, they were permitted to pay the dues on the spot, and Mr. Randle issued a receipt. The member signed the voter list and cast a ballot. A review of the receipts revealed 34 members paid outstanding dues on the day of the election. The ILA International Constitution provides at Article XIII, Section 1(b), that "each member in good standing

shall have the right to vote in the election. For voting purposes, any member who is delinquent in paying his dues may pay his dues owed on the election day, and that member shall subsequently be permitted to vote in that day's election." The investigation demonstrated that there was no discrepancy between the voter list, the membership records, and the dues receipts. There was no evidence to support that members expelled from ILA Local 1349 prior to the merger were permitted to vote.

The investigation did not find evidence to support that ineligible members voted. You did not identify any voters who were in fact ineligible to vote, and the investigation revealed that all 65 members who voted in the challenged election were members in good standing of Local 2047 and up to date on dues payments. The ILA International Constitution permits members to be members of more than one Local. The ILA International also clarified that it has not given guidance on the membership rights of retirees. While Local 2047's Constitution and Bylaws at Article IX, Section 4 provides "members on retirement or withdrawal shall not be permitted to vote or run for office," the investigation did not find that retired members voted in the present election. There was no violation of the Act.

Lastly, you raised an allegation in your complaint that was not raised in your protest to the union. Section 402(a)(1) of the LMRDA requires that a member exhaust the remedies available to them under the union's constitution and bylaws before filing a complaint with the Secretary of Labor. You therefore did not properly exhaust union remedies with regard to this allegation, and it was not investigated by the Department.

For the reasons set forth above, the Department concludes that there was no violation of the LMRDA that may have affected the outcome of the election. Accordingly, I have closed the file on this matter.

Sincerely,



Chief, Division of Enforcement

cc: Harold J. Daggett, International President
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