



July 27, 2023



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed on February 1, 2023, with the U.S. Department of Labor alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA or Act) occurred in connection with the election of officers of International Bricklayers and Allied Craftworkers, AFL-CIO, Administrative District Council 1 of Illinois (ADC 1 or Union), which was concluded by acclamation on October 24, 2022.

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

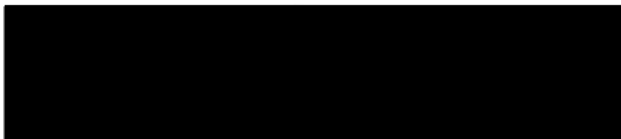
You alleged that the Union improperly applied a candidate qualification rule. Pursuant to section 401(e) of the LMRDA, every member in good standing is eligible to be a candidate and to hold office subject to reasonable qualifications uniformly imposed. 29 U.S.C. § 481(e). Specifically, you alleged that the Union improperly applied the candidate qualification rule prohibiting supervisors from running for office when it deemed you ineligible to run for one of the three Executive Vice President offices. The Union's Election Committee decided that you were ineligible for office primarily because you were employed with the job title of "Superintendent/Foreman." Both the ADC 1 Constitution and Bylaws at Resolution 1, Section 4(C) and the *Constitution, Rules of Order and Codes - International Union of Bricklayers and Allied Craftworkers* at Code 11 state that members with "effective authority to hire, fire, or impose substantial discipline" on employees on a "continuous and ongoing" basis may not be candidates for office.

The Department's investigation confirmed through employer interviews that you did not have effective authority to hire, fire, or discipline other workers. Thus, the Union improperly ruled that you were ineligible for candidacy. The violation presumably

affected the outcome. The sole statutory remedy for this violation, as for all violations of Title IV, is a rerun election supervised by the Department. *See* 29 U.S.C. § 482. The unique circumstances of this case, however, demonstrate that a supervised rerun will not change the results of the election. In particular, during the Department's investigation, you testified that you would not run for any office in a rerun election. Additionally, the members who nominated you testified that they did not want to nominate anyone else for office, including themselves. Importantly, the investigation revealed that no other member was unlawfully excluded from running for office. For these unique reasons, the Department has determined that the violation is now moot and will not seek to supervise a rerun election.

Accordingly, I have closed the file on this matter.

Sincerely,



Tracy L. Shanker
Chief, Division of Enforcement

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