



September 15, 2023



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed on May 15, 2023, with the United States Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA or Act) occurred in connection with the runoff election of officers of United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW or Union), conducted on March 4, 2023 (all dates in this Statement of Reasons occurred in 2023 unless otherwise noted).

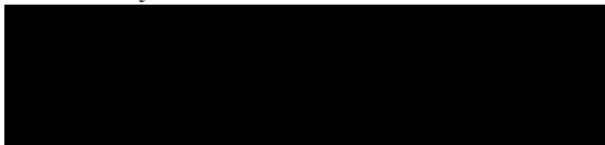
The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded that there was no violation of the LMRDA that may have affected the outcome of the election.

You alleged that the Union unfairly applied a candidate qualification rule in order to exclude you from the runoff election after you placed sixth for the International Vice Presidents (IVP) race on December 2, 2022. 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). Section 401(c) of the LMRDA requires unions to provide adequate safeguards to ensure a fair election. 29 U.S.C. § 481(c). Thus, a labor organization's discretion regarding the conduct of an election is circumscribed by a general rule of fairness. 29 C.F.R. § 452.110. Regarding elections for the Union's three IVP offices, Art. 10, Sect. 5(c)(vii) of the UAW Constitution states: "Where there are seven (7) or more candidates and only two (2) candidates receive a majority [vote], the runoff is confined to the candidates who finished in third and fourth positions." The UAW's Constitution and Election Rules do not address the withdrawal of candidates or suspension of campaigns by candidates between primary and runoff elections. Sect. 12-1 of the UAW's 2022 Election Rules provide that: "The Rules are not intended to be exhaustive and may be amended without notice at any time by the Monitor in consultation with the UAW. Additional or supplemental rules may be promulgated as needed."

Specifically, you alleged that the Union's Election Monitor should have created a rule to place you on the ballot for the IVP runoff election instead of the fourth or fifth place finishers from the primary election. On January 12, IVP runoff candidate Tim Bressler (fourth place finisher in the primary election) posted on "The Curry Solidarity Team" Facebook page that he was suspending his campaign. IVP candidate Brian Czape (fifth place finisher in the primary election) retired on January 31 and was thus ineligible for the runoff election. You contended that if the Union had removed Bressler from the race, Czape's retirement would have made you the third-place finisher of the primary IVP race and thus eligible for placement on the runoff ballot. However, the investigation confirmed that candidate Bressler did not ask the Election Monitor or the Union to remove him from the runoff ballot. Absent bylaws or election rules requiring the Union to remove a candidate that has suspended their campaign, the placement of candidate Bressler on the runoff ballot was not unreasonable. Bressler also received 46,180 votes in the runoff election, indicating that voters did not consider his candidacy withdrawn despite his Facebook announcement. There was also no evidence of an unfair or non-uniform application of the candidate qualification rules such as a past practice of removing candidates from the runoff ballot without a direct request from the candidate to the Union. There was no violation of the Act.


In sum, as a result of the investigation, the Department has concluded that there was no violation of the Act that may have affected the outcome of the election in connection with your allegation. Accordingly, I have closed the file on this matter.

Sincerely,



Tracy L. Shanker
Chief, Division of Enforcement

cc: Shawn Fain, President
United Auto Workers, AFL-CIO, NHQ
26300 Northwestern Highway
Southfield, MI 48076


Crowell & Moring, LLP
590 Madison Avenue, 20th Floor
New York, NY 10022

[REDACTED], Associate Solicitor
Civil Rights and Labor-Management Division