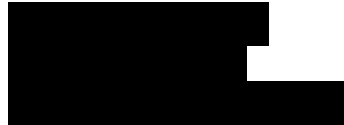




September 25, 2023



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed on June 1, 2023, with the United States 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 Association of Professional Flight Attendants (APFA) – Boston Base (Union), which was conducted on March 9, 2023.

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 a candidate qualification rule when it ruled that you were ineligible to run for Boston Base President. Article II, Section 4.B(4) of the APFA's constitution states:

If a member is exempt from his / her dues obligation [because the member is in an unpaid status] under Section 4.B(3), above, in order to exercise any of the rights, privileges, duties and responsibilities of members in good standing while in unpaid status, in addition to any other dues owing he / she must pay the dues that otherwise would have accrued during the unpaid status, with no dues in arrears for more than sixty (60) days.

Article IV, Section 3.A. provides that "[r]equired dues, assessments and initiation fee(s) not paid within sixty (60) days of the established billing date will cause a member to be

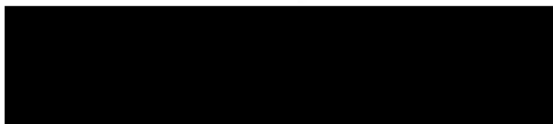
placed in bad standing.” The December 19, 2022, nomination/election notice stated that any candidate “must be a member in good standing by **January 18, 2023, at 1000 (CT).**”

In October 2022, you paid your dues arrearage of \$209.50 from your Leave Without Pay period earlier in 2022. Regarding your fall 2022 dues, the Department’s review of your paystubs dated September 30 and October 17, 2022, revealed that dues were deducted on September 30, however, you did not work enough hours for sufficient earnings to cover the dues payment for October 17. On November 16, 2022, APFA billed your October dues of \$41 and posted your partial dues payment of \$20.50 for October, leaving you with a balance of \$20.50. Subsequent payroll dues deductions did not cover this balance in arrears. At the close of the Willingness to Serve period ending January 18, 2023, you were 60 days in dues arrears for a balance of \$20.50. Thus, you were ineligible to run for office as you were not a member in good standing. You did not pay the dues arrearage until January 27, 2023.

You contended that you should have been considered a member in good standing eligible for candidacy because you did not receive written notice of your balance and because the union initially ruled you were eligible for candidacy before confirming your dues status. There is no constitutional or bylaws provision requiring a dues delinquency notice before a member’s non-payment of dues results in bad standing. The APFA Constitution requires only that 60 days of non-payment have passed. the “alert letter” referenced in Section 2 of the APFA Policy Manual relates to members subject to discharge from employment for non-payment of dues, not to when a member will be placed into bad standing. As for the Union’s clerical error on your earlier eligibility ruling, Section 401(e) of the LMRDA requires unions to conduct their elections “in accordance with the constitution and bylaws.” 29 U.S.C. §481(e). Thus, the Union appropriately corrected its earlier eligibility ruling “in accordance with its constitution and bylaws.” There was no violation of the LMRDA.

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,

A large black rectangular redaction box covering the signature of Tracy L. Shanker.

Tracy L. Shanker
Chief, Division of Enforcement

cc: Julie Hendrick, National President
Association of Professional Flight Attendants
1004 West Euless Blvd.
Euless, TX 76040

, Associate Solicitor
Civil Rights and Labor-Management Division