



February 1, 2024



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed on June 29, 2023, with the U.S. Department of Labor (Department) alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA or Act), occurred in connection with the SAG-AFTRA Philadelphia Local's (Local) September 5, 2023 officer election.

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

You alleged that the Local improperly applied a candidate qualification rule when it ruled that you were ineligible to run for the positions of Secretary, Local Board Member – Actor/Performer, or Convention Delegate during the Union's 2023 Local Election because you had not timely paid your November 2022 dues. The LMRDA states that every member of the union 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). Pursuant to section 401(e) of the LMRDA, unions are required to conduct their election of union officers in accordance with the union's constitution and bylaws. 29 U.S.C. § 481(e). The LMRDA does not dictate the definition of "good standing," and unions can define good standing for themselves in their governing documents. In this case, the governing documents include the SAG-AFTRA Constitution, the SAG-AFTRA Nominations and Election Policy, and the Local's Constitution (SAG-AFTRA Governing Documents).

Article III.C. of the SAG-AFTRA Constitution defines "good standing" as follows: "A member in good standing, as defined in this Constitution, is an active member who is not in arrears in the payment of Union dues, assessments or, if any, fines." Article IV.A.2.d.i. of the SAG-AFTRA Constitution states further that "[a]ny member who fails to pay their dues or other financial obligations to the Union by the due date, in accordance with policies and procedures established by the National Board, shall not be considered a member in good standing."

The SAG-AFTRA Governing Documents contain similar provisions regarding eligibility to serve as a Local Officer, Local Board Member, or Convention Delegate. To serve as a Local

Officer or Local Board Member, a member must have been in good standing throughout the dues period prior to the time of nomination, and the current dues period at the time of nomination. SAG-AFTRA Nominations and Election Policy, Article II.C.5; Local's Constitution, Section 7.3; SAG-AFTRA Constitution, Article VIII.A. To serve as a Convention Delegate, a member must be in good standing for the six months prior to the date of nomination. SAG-AFTRA Nominations and Election Policy, Article II.C.6; SAG-AFTRA Constitution, Article VIII. D.2.

The May 5, 2023 Notice of Nomination and Election (Notice) stated that any candidate for Local Officer or Local Board Member "[m]ust be [...] a member in good standing of the local for twelve (12) months." Additionally, any candidate, including for Convention Delegate, "[m]ust be paid-up from the beginning of the November 2022 and May 2023 dues periods or in compliance with the COVID-19 Dues Relief Extensions[.]" The Notice explicitly stated the dates by which candidates had to have paid their dues in order to be in good standing for the dues period: December 12, 2022, and June 9, 2023. Alternatively, members needed to have timely requested a COVID-19 Dues Relief Extension (thereby allowing for payment installations on a set schedule). The nomination period was from June 7 to July 7, 2023.

You acknowledge that you did not request a COVID-19 Dues Relief Extension. On December 5, 2022, you paid \$31.54 toward your November 2022 dues. On April 14, 2023, 123 days after the December 12, 2022 deadline, you paid your November 2022 dues arrearage of \$205.38. Thus, for the 123 days between December 12, 2022 and April 14, 2023, you were not in good standing. Accordingly, you were ineligible to run for the positions of Secretary, Local Board Member - Actor/Performer, or Convention Delegate as you were not a member in good standing for the requisite time periods as outlined in the SAG-AFTRA Governing Documents. Specifically, you were not a member in good standing throughout the dues period prior to the dues period at the time of nomination, as required for candidates to Local Officer or Local Board member positions, and you were not a member in good standing throughout the six months prior to the date of nomination, as required for candidates to Convention Delegate positions.

You contended that you should have been considered a member in good standing eligible to be a candidate in the election because you had paid your dues in full by the time of the June-July 2023 nomination period. While the investigation supported the finding that you were in good standing at the time of the nomination period (having paid your dues arrearage for November 2022 in April 2023, and having paid your May 2023 dues in full on time), the fact remains that you were not in continuous good standing throughout the dues period prior to the May 2023 dues period or for the six months prior to your nomination, as explicitly required by the SAG-AFTRA Governing Documents.

The investigation did not reveal any discrepancies in how the Local applied its candidate qualification rules. The investigation found that two other members were similarly

deemed ineligible as candidates because of late dues payments. The investigation revealed no evidence that the Local improperly applied candidate qualifications to you or any other member seeking candidacy. Thus, with respect to this allegation, the investigation found no violation of section 401(e) of the LMRDA that could have affected the outcome of the election.

You also alleged that the Local improperly applied nomination rules because some unidentified members who were in good standing were unable to sign petitions for nominees. Pursuant to section 401(e) of the LMRDA, every member in good standing shall have the right to vote for or otherwise support the candidate or candidates of their choice. 29 U.S.C. § 481(e).

The SAG-AFTRA Nominations and Election Policy states that any member in good standing can request a nominating petition, and “[o]nly members in good standing in a particular Local are eligible to nominate online or sign petitions in National Board, Local Officer, Local Board, and Convention delegate elections in that Local.” Article I.A.5(f). As noted previously, Article III.C. of the SAG-AFTRA Constitution defines “good standing” as “an active member who is not in arrears in the payment of Union dues, assessments or, if any, fines.” The SAG-AFTRA Nominations and Election Policy does not require members to be in good standing for any continuous period of time prior to the nomination period in order to sign a nominating petition; members are required only to be in good standing at the time of the nomination period.

During the investigation, you did not identify any member in good standing who was unable to sign a petition, nor did you identify any member not in good standing whose signature was allowed to stand despite their ineligibility. The Department’s investigation found no evidence of any members in good standing being unable to sign petitions or members not in good standing being permitted to sign. Thus, with respect to this allegation, the investigation found no violation of section 401(e) of the LMRDA that could have affected the outcome of the election.

In sum, based on its 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 allegations. Accordingly, I have closed the file on this matter.


Sincerely,

A large black rectangular redaction box covering the signature area.

Tracy L. Shanker
Chief, Division of Enforcement

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