



July 27, 2016

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your January 10, 2015 complaint filed with the United States Department of Labor alleging violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA or Act), as made applicable to elections of federal sector unions by 29 C.F.R. § 458.29 and the Civil Service Reform Act. Your complaint concerned the regularly scheduled election of officers conducted on September 11, 2014 by Sports Air Traffic controllers Organization (union).

The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded that any violation of the Act that may have affected the outcome of the election has been remedied.

You alleged that the union improperly refused to permit a member to vote. Section 401(e) of the Act provides in relevant part that every member in good standing shall be eligible to vote. Article 1, section 2(e) of the union constitution defines a "member in good standing" as one whose dues are less than 35 days in arrears. The investigation disclosed that a new member, [REDACTED], submitted his SF-1187 application form to Treasurer [REDACTED] on August 27, 2014, and that the employer deducted dues from [REDACTED] pay on September 6, 2014, five days prior to the union's September 11, 2014 election. On the day of the election, the union did not permit [REDACTED] to vote because it relied on a month-old check off list furnished by the employer immediately prior to the August 15, 2014, nominations. The union violated section 401(e) when it denied [REDACTED] the right to vote, because, at the time of the election, [REDACTED] was a member in good standing. His dues were not 35 days in arrears, as his dues had been deducted five days earlier.

There were three offices open for election. The office of treasurer was uncontested. The office for vice president was won by a margin of two votes. The office for president resulted in a tie with [REDACTED] and [REDACTED] each receiving five votes. Had

██████████ been permitted to vote, there would have been a clear winner for the office of president.

The union asserts that any violation that occurred was remedied by events that transpired subsequent to the election. On September 18, 2014, both presidential candidates, ██████████ and ██████████, withdrew their candidacies. On October 1, 2014, the expiration date of incumbents' term of office, John Gordanier, the successful candidate for vice president, acceded to the presidency, leaving the office of vice president vacant. As president, Gordanier submitted, for an executive board vote, two members' names to fill the vacancy; one of those names was ██████████, the incumbent candidate who had run for president. The executive board is comprised of any union member who wished to participate. See Article 1, section 2(d) and Article II, of the union constitution. Vansickle, the member denied the right to vote, was present at that executive board meeting to vote on the proposed appointment, but abstained from voting. The executive board voted to appoint ██████████ to the office of vice president on October 17, 2014.

Section 402(b) of the LMRDA, 29 U.S.C. 482(b), provides, in relevant part, that the Department shall seek a new election where a violation of the Act has occurred but has not been remedied. Under the unique circumstances of this case, the violation that may have affected the outcome of the election for president was remedied. ██████████ and all members of the union were permitted to vote at the executive board meeting. While the Board did not vote for the office of president, this participation, without objection, served as ratification by the membership of the course of action that had been taken to remedy the tie vote. Further, the investigation determined that no member was precluded from initially running for president in the September 11, 2014 election. Although ██████████ a member in good standing, was denied the right to vote on that date, he was nevertheless permitted to vote at the October 17, 2014 executive board meeting. Under these circumstances, the Department concludes that the violation has been remedied.

For the reasons set forth above, your administrative complaint to the Department is dismissed, and I have closed the file in this matter.

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

cc: John Gordanier, President
Sport Air Traffic Controllers Organization (SATCO)
P.O. Box 66
Edwards, CA 93523

Minahan & Muther
5132 West 26th Avenue
Denver, CO 80212

Beverly Dankowitz, Associate Solicitor
Civil Rights and Labor-Management Division