



February 23, 2017

Mr. Keith Moore
[REDACTED]

Dear Mr. Moore:

This Statement of Reasons is in response to your August 10, 2016 complaint filed with the United States Department of Labor (Department) alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred in connection with the March 24, 2015 election of local officers of the American Federation of State, County and Municipal Employees (AFSCME) Local 159.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that no violation occurred which may have affected the outcome of the election.

First, you alleged that Local 159 improperly disqualified you from running in the election on the basis that you were not a member in continuous good standing due to dues delinquency. Section 401(e) of the LMRDA provides, in pertinent part, that every member in good standing shall be eligible to be a candidate and to hold office, subject to reasonable qualifications uniformly imposed. The Local 159 Constitution requires that, in order to be eligible for either nomination or election to any office, a member must be in continuous good standing for at least one year prior to the date on which the nominations are held, and that an officer must continue in good standing in order to remain in office. Art. IV, Sec. 2. The Department's investigation confirmed that you had not made any dues payments between August 1, 2014 and February 1, 2015. Although you paid the balance of your dues on February 6, 2015, this does not cure the fact that you were not in good standing within the one year period preceding nominations.

Based on this information, the election committee recommended to the local union that you should be considered ineligible to run for office. The election committee also recommended that four other members be disqualified from running in the 2015 election for the same reason. Local 159 held a meeting on March 4, 2015 for the purpose of acting upon the election committee's recommendations. However, a quorum was not in attendance at this meeting, rendering the local unable to take action on the recommendation. Appendix D, Section 4(D) of the AFSCME

International Constitution provides that if the local union takes no action on a recommendation from the election committee within forty days of the filing of the election protest, the matter may be appealed directly to the AFSCME International Judicial Panel.

You submitted an appeal to the AFSCME International Judicial Panel and the Panel upheld the decision of the election committee. This is consistent with the Judicial Panel's past interpretation of the continuous good standing requirement. Accordingly, this did not constitute a violation of the LMRDA.

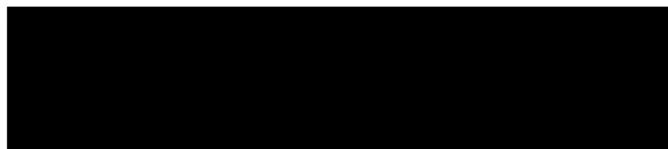
You also alleged in your complaint that Local 159 improperly disqualified you from running in the election because it incorrectly determined that you were a retired member. You claimed that, although you had retired from your employment, you should not have been considered a retired member of the union.

Article III, sec. 2(C) of the AFSCME International Constitution, as well as the AFSCME Local Union Election Manual, states that no retired member or member of a Retired Employee Chapter shall be a candidate for any elective office. However, it is AFSCME's position that full-time officers retain their rights to full membership, including eligibility to be nominated and run for office. Although the election committee had thus improperly applied this qualification to you, in upholding the election committee's decision, the Judicial Panel relied only on the determination that you had not remained a member in continuous good standing throughout the one-year period preceding nominations. Accordingly, while the election committee's determination regarding your retiree status would have constituted a violation of the LMRDA, this was not the basis for the Judicial Panel's decision. As you were properly determined to be ineligible due to your lack of continuous good standing as a result of your dues delinquency, there was no violation which may have affected the outcome of the election.

Your additional allegations were determined to be either not within the scope of the investigation or not covered by the LMRDA.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred that may have affected the outcome of the election. Accordingly, the office has closed the file on this matter.

Sincerely,

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Chief, Division of Enforcement

cc: Mr. Lorenzo North, President
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OLMS/DOE/SHANKER/FPB N-5119/202-693-0293

Initials	TS	SEH		
Date	1/19/2017	2/10/2017		
Last Name	SHANKER	HANLEY		
Title	DOE Inv.	DOE Chief		

Case String: 140600900901 LM: 544675 DOE Number: 8980