

**Statement of Reasons
for Dismissing a Complaint Concerning the Trusteeship
Imposed upon Laborers' International Union of North America Local 582,
in Elgin, Illinois**

Members in good standing of Local 582 ("the Local") Laborers' International Union of North America (LIUNA) filed a complaint with the Department of Labor (Department) on March 11, 2016, alleging that LIUNA has continued to hold the Local in trusteeship beyond 18 months, in violation of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 461-66.

A trusteeship established by a labor organization in conformity with its constitution and bylaws will be presumed valid for a period of 18 months from the date of establishment, and after the expiration of 18 months will be presumed invalid unless the trustee can show by clear and convincing evidence that it is necessary for an allowable purpose under 29 U.S.C. § 462. The LMRDA defines "trusteeship" as "any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws." 29 U.S.C. § 402(h); 29 CFR § 452.14.

The Department's investigation determined that the Local was formed following a November 1, 2014 merger that formed a new provisional local. At that time, LIUNA appointed provisional officers for the newly formed local pursuant to Article VII, Section 2(f) of its constitution and appointed a "supervisor," pursuant to Article IX, Section 7 of its constitution. The union considered this "supervised" status to be a sufficient enough restriction on the Local's autonomy to constitute a trusteeship under the LMRDA, and it filed the appropriate Initial Trusteeship Forms with the Department.

On April 1, 2016, LIUNA determined that the supervision of the Local would end no later than June 30, 2016, after the completion of the election of delegates to the International Convention. In a letter to the supervisor, the LIUNA President stated that "an election of officers [would] be scheduled for June 2017 to allow sufficient time for a smooth transition to full autonomy for this Provisional Local."

The Department has concluded, in agreement with LIUNA, that its supervision over the Local following the merger constituted a sufficient limitation on the Local's autonomy such that it constituted a trusteeship. However, that restriction of autonomy, and thus the trusteeship, was terminated when LIUNA dismissed the Local's Supervisor in the spring of 2016. The Local's full executive board, selected by the respective officers of the merged locals, remains in place and has been functioning independently since the local held delegate nominations in May 2016.

The complaint alleges that the trusteeship remains in effect because no Local union officers were elected upon its termination. However, the LMRDA requires that a labor organization establish a trusteeship in conformity with its constitution and bylaws. Article IX, Section 7, of the LIUNA constitution, which sets forth procedures for ending a trusteeship over a local union, requires the installation of officers only where officers have been removed, and provides that, at the end of a period of supervision, the local officers on the executive board will continue in office until the next election is held. This constitutional provision is not inconsistent with any provision of the Title III trusteeship standards.

LIUNA is authorized under the LMRDA and its constitution to appoint provisional officers of a newly merged or provisional local until a regular election subject to the Act can be scheduled. 29 CFR § 452.14. The initial selection of officers is not subject to the requirements of Title IV, but elections for newly merged locals are not to be deferred longer than the three-year statutory limit. 29 CFR § 452.14.

The Local was formed on November 1, 2014, and the current executive board was installed on the same day. Thus, holding elections in June 2017 is consistent with both the three-year statutory maximum term for local union officers and LIUNA's constitutional provisions requiring elections every three years. 29 USC § 483, 29 CFR § 452.14. Because LIUNA has terminated the trusteeship and restored the Local to its full autonomy, no further action is necessary and we are closing the file on this matter.