

Statement of Reasons
Dismissing a Complaint
Alleging the Improper Imposition of a Trusteeship on Local 2515 by
International Association of Machinists
in Alamogordo, NM

A member in good standing of the International Association of Machinists (IAM), Local 2515 filed a complaint with the United States Department of Labor (the Department) alleging that the IAM violated Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), when it established a trusteeship over Local 2515 in violation of IAM's constitution and bylaws. For the following reasons, the complaint is dismissed.

The LMRDA permits a parent labor organization to impose a trusteeship on subordinate bodies for the purposes of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of such labor organization. 29 U.S.C. § 462. A trusteeship established by a parent body in conformity with the procedural requirements of its constitution and bylaws and authorized or ratified after a fair hearing is presumed valid for eighteen months from the date of its establishment and is not subject to attack during this period except by clear and convincing proof that the trusteeship was not established or maintained in good faith for a purpose allowable under section 302 of the Act. 29 U.S.C. § 464(c).

The complaint alleges that IAM did not follow the procedural requirements of its constitution when it placed Local 2515 under trusteeship, because it removed officers without following the process as set forth in the IAM constitution. Both the complaint and IAM referred the Department to Article VI, Sections 8 and 9 of the IAM constitution which outlines the general trusteeship provisions.

IAM's constitution provides that when the International President determines that the necessary circumstances exist, he/she may appoint a temporary Trustee to take charge and control over the affairs of such subordinate body. The constitution further requires the following:

All officers and representatives shall be suspended without pay pending their appointment by the temporary Trustee to serve as Deputy Assistants. In the event that an officer or elected representative is not so appointed, he/she shall be served with specific charges and all procedural protections provided by Article L. In the event that any Article L proceeding results in a verdict of not guilty, such officer or elected representative shall be reimbursed for lost salary and benefits.

IAM is authorized under the LMRDA and its own constitution to appoint provisional officers until a regular election subject to the Act can be scheduled. 29 CFR § 452.14. The Department specifically sought clarification from IAM as to the circumstances under which Article L charges are required by the constitution for the situation presented. IAM stated that none of the Local's officers had been appointed Deputy Assistants, but specifically clarified that Article L charges for officers only relate to a trusteeship where the Deputy intends to permanently remove the officers. The Article L hearing would be held separate and apart from the trusteeship hearing and the results of the hearing would have no bearing on the continuation of the trusteeship. IAM confirmed that Article L charges had not been made. If that were to happen, individuals are then provided with the specific charges against them and the Article L trial must be held within 30 days of notification in order to provide the officers with an opportunity to present a defense. Article L proceedings for individual officers need only be held after the trusteeship has been validly imposed and only if IAM plans to permanently remove the officers. The Department defers to a union's interpretation of its constitution unless it is clearly unreasonable. 29 C.F.R. 458.3. The IAM's interpretation of this provision is not clearly unreasonable.

Further, the investigation determined that IAM held a full and fair hearing on the question whether a trusteeship was needed, as required by Section 402 of the LMRDA. As the union did not propose to permanently remove the officers, an additional Article L proceeding was not required. Thus, IAM properly followed all of the constitutional requirements necessary to impose a trusteeship on Local 2515.

On March 3, 2017, IAM lifted the trusteeship over Local 2515. Thus, even if IAM's actions regarding the imposition and continuation of trusteeship were improper, the trusteeship has been lifted, and complainant's claim is moot. See, *Walker v. Grand Lodge, Am. Ry. Supervisors Ass'n*, 93 Lab. Cas. ¶13,395 (1981), citing, *Vars v. Int'l Bhd. of Boilermakers*, 320 F.2d 576, 577 (2d Cir. 1963) (A claim alleging improper imposition of a trusteeship becomes moot when the trusteeship has been lifted). As it does not appear that there currently exists a trusteeship covered by Title III of the Act, we are closing our file on this matter.



March 28, 2017

R. Thomas Buffenbarger, International President
International Association of Machinists
9000 Machinists Place
Upper Marlboro, MD 20772-2687

Dear Mr. Buffenbarger:

This is to advise you of the disposition of a complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), occurred with respect to the trusteeship imposed by the International Association of Machinists (IAM) over Local Lodge 2515 in Alamogordo, New Mexico.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. After carefully reviewing the investigative findings, and after consulting with the Solicitor of Labor, we have determined that legal action is not warranted in this case. We are, therefore, closing our file as of this date. The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

Enclosure

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

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



March 28, 2017



Dear [REDACTED]:

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