



August 31, 2020

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on June 7, 2019, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of officers that was conducted by District Lodge 19 of the International Association of Machinists and Aerospace Workers (IAM) on June 14, 2019.

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

You alleged that District Lodge 19 violated section 401(c) of the LMRDA when an election teller distributed the incumbent slate's campaign flyer at the polling station and campaigned for the incumbent slate, by saying, "we just nominate them because if they have not been doing their job they wouldn't be there." Section 401(c) requires that a union provide adequate safeguards to insure a fair election. 29 U.S.C. § 481(c). The investigation did not find sufficient evidence to support your allegation. Your allegation was not based on first-hand knowledge; it was based on information you stated you heard from another member. That union member would not respond to the Department's numerous requests for an interview and would not provide any additional information related to this allegation. Further, the Department's investigation did not disclose any other witnesses to this event. Accordingly, the Department did not find sufficient evidence to confirm the allegation raised. There was no violation that affected the outcome of the election.

You also alleged that District Lodge 19 failed to provide adequate safeguards to insure a fair election when the president of Local Lodge 1869 (one of the local lodges that comprise District Lodge 19) called member [REDACTED] and asked [REDACTED] to change the vote he cast during the Local Lodge 1869 nominations meeting from the challengers

to the incumbents. If [REDACTED] had changed his vote, Local Lodge 1869 would have nominated the incumbents outright, eliminating the need to hold a run-off election. The investigation determined that [REDACTED] did not change his vote, nor did he feel threatened or intimidated to do so. The local lodge ultimately held a run-off election for nominations. Accordingly, no violation occurred that affected the outcome of the election.

Finally, you alleged that District Lodge 19 failed to provide a reasonable opportunity to nominate candidates in violation of section 401(e) of the LMRDA. 29 U.S.C. § 481(e). Specifically, you alleged that the nomination procedures adopted by District Lodge 19 violated the LMRDA because they were more stringent than the requirements for election to office in the IAM Grand Lodge, the district lodge's parent body. The District Lodge 19 bylaws at Article VI, Section 2(c) provide that a candidate for union office "must have the nomination and/or endorsement of at least fifteen percent (15%) of the current District's Local Lodges." For District Lodge 19, this amounted to endorsements from 12 local lodges. You alleged that candidates for office in the IAM Grand Lodge only need endorsements from 2.5 percent of the total subordinate local lodges. However, whether a district lodge has more stringent requirements than its parent body is not a factor that the Department or courts rely on to determine whether members have a reasonable opportunity to nominate candidates for office. The Department's interpretive regulations provide:

When officers of a national or international labor organization or of an intermediate body are to be elected by secret ballot among the members of the constituent local unions, it is not unreasonable for the organization to employ a nominating procedure whereby each local may nominate only one candidate for each office. When such a procedure is employed the organization may require that each candidate be nominated by a certain number of locals before his name will appear on the ballot. **The reasonableness of the number of local union nominations or endorsements required depends upon the size and dispersion of the organization.** 29 C.F.R. § 452.60 (emphasis added).

Courts rely upon similar factors. The investigation determined that District Lodge 19 is a nationwide organization with approximately 19,000 members. In June 2019, the district lodge had 77 affiliated local lodges. The investigation also determined that District Lodge 19 revised its bylaws in 2018, changing the number of local lodge endorsements required for candidacy from 15 total to 15 percent of the affiliated local lodges. For this challenged election, that bylaw change effectively lowered the threshold number of local lodges a candidate needed for nomination. Finally, the investigation revealed that the challengers were able to attain the required number of local lodge endorsements for nomination for the two LMRDA-covered officer positions (i.e., president/directing chairman and secretary-treasurer). Under these particular facts, the Department did not find a violation of the LMRDA that affected the outcome of the election.

For the reasons set forth above, the Department of Labor concludes that there was no violation of the LMRDA that may have affected the outcome of the election. Accordingly, I have closed the file on this matter.

Sincerely,



Tracy L. Shanker, Chief  
Division of Enforcement

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