



June 4, 2012

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to the complaint that you filed with the U.S. Department of Labor on February 14, 2012, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of officers of Local 30, United Brotherhood of Carpenters (UBC) completed on January 6, 2012.

The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded that no violation occurred.

You allege that Local 30 improperly disqualified two former officers of Local 131 from running for office in the January 2012 Local 30 officers election. Local 131 had merged with another local to form Local 30 in March 2011. More specifically, you allege that [REDACTED] and [REDACTED], former Local 131 president and financial secretary respectively, were not allowed to run for office as a result of alleged improper internal union discipline.

Section 401(e) of the LMRDA provides, among other things, that every member in good standing shall be eligible to be a candidate and to hold office subject to "reasonable qualifications uniformly imposed." The Department's regulations provide that a union may bar a member guilty of misconduct from holding office without violating section 401(e) if that member has been afforded the rights guaranteed under section 101(a)(5) of the LMRDA. 29 C.F.R. §452.50. Section 101(a)(5) provides that a member may not be disciplined unless the member has been served with written specific charges; given reasonable time to prepare his defense; and afforded a full and fair hearing.

The investigation disclosed that on April 19, 2011, a union trial committee expelled [REDACTED] from the union and ruled that [REDACTED] was not allowed to run for office for ten

years. Moreover, the investigation disclosed that the UBC gave ██████ and ██████ notice of charges February 1, 2011. By February 16, 2011 letters, the UBC gave them notice of their March 15 and 16, 2011 trials. The trials were conducted in Seattle, Washington before five trial board members who were from regions other than the Western Region of which Local 131 and Local 30 were a part. ██████ and ██████ were allowed to call and cross examine witnesses. However, because ██████ and ██████ served as each other's counsels, they heard other witnesses' testimony, and, thus, they were not allowed to be each other's witnesses, pursuant to Sec. 52(J)(3) the UBC Constitution. The union provided both ██████ and ██████ with the trial procedures at the time they were provided with the charges. The union notified ██████ and ██████ of their guilty verdicts by letters dated April 19, 2011. Both men have appealed to the UBC General Executive Board which denied their appeals. They have also appealed to the 2015 UBC Convention.

For the reasons set forth above, it is concluded that the union satisfied the requirements of section 101(a)(5) - ██████ and ██████ were served with written specific charges, given reasonable time to prepare their defense, and afforded a full and fair hearing. There was, therefore, no violation of section 401(e) when the union held that ██████ and ██████ were ineligible to run for office. Therefore, the Department cannot bring an action under section 402 of the LMRDA, and I have closed the file in this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Mr. Timothy Pearson, President
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