

U.S. Department of Labor

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



February 6, 2013



Dear 

This is to advise you of the disposition of your complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred with respect to the trusteeship imposed by the International Longshoremen's Association (ILA) over Local 1982, Toledo, Ohio.

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,

Patricia Fox
Chief, Division of Enforcement

Enclosure

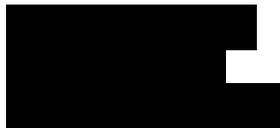
cc: Christopher Wilkinson, Associate Solicitor

U.S. Department of Labor

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February 6, 2013

Harold J. Daggett, President
International Longshoremen's Association (ILA)
5000 West Side Avenue, Suite 100
North Bergen, New Jersey 07047

Dear Mr. Daggett:

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 (LMRDA), occurred with respect to the trusteeship imposed by the International Longshoremen's Association (ILA) over Local 1982, Toledo, Ohio.

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Statement of Reasons
Dismissing the Complaints of Members
Concerning the Imposition of a Trusteeship
On International Longshoremen's Association Local 1982
Toledo, Ohio

Members in good standing of International Longshoremen's Association (ILA), Local 1982, filed a complaint with the Secretary of Labor concerning an alleged trusteeship imposed by the International Longshoremen's Association. The complaint alleged that the International Longshoremen's Association imposed a trusteeship on its subordinate, Local 1982, for an impermissible purpose and in a manner inconsistent with Title III of the Labor Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 461-466, *et seq.* Based on the following statement, the complaint is dismissed.

The Department's investigation determined that the trusteeship was established in accordance with the ILA constitution and bylaws, after a fair hearing and for a purpose allowable under section 302 of the LMRDA. Consequently, the trusteeship enjoyed the presumption of validity for a period of 18 months. 29 U.S.C. § 464(c). However, the investigation also determined that the duration of the trusteeship had exceeded the 18-month period of validity. This period ended on October 23, 2011. A trusteeship is presumed invalid at the expiration of 18 months, unless clear and convincing proof is provided that continuation of the trusteeship is necessary for a purpose allowable under the LMRDA. The evidence presented by the ILA in the course of the Department's investigation did not provide clear and convincing proof that the continuation of the trusteeship was necessary, as required by the LMRDA. 29 U.S.C. § 464(c). The ILA was in violation of the trusteeship provisions of the LMRDA.

Based on the ILA's representation that an election bringing Local 1982 out of trusteeship would be held in July 2012, the Department did not initiate enforcement proceedings. ILA Local 1982 elected officers on June 10, 2012, and new officers were installed on August 6, 2012. Thus, full autonomy has been restored to Local 1982. Inasmuch as the trusteeship has been lifted, and the local's autonomy has been restored, this matter does not require further action on the part of the Secretary.

For the reasons set forth above, the file on this matter is closed.