



March 17, 2009

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed with the United States Department of Labor on July 30, 2008, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), 29 U.S.C. §§ 481 - 484, occurred in connection with the election of officers of Graphic Communications Conference (GCC), International Brotherhood of Teamsters (Teamsters), conducted on March 26, 2008.

The Department of Labor (Department) conducted an investigation of your allegation. As a result of the investigation, the Department concluded that there was no violation.

You alleged that Garry Foreman, successful candidate for General Board member, was ineligible to run for office under the Teamsters' Constitution because he was a retiree drawing a pension and not working-at-the-trade. Pursuant to section 401(e) of the LMRDA, a union must hold its election in accordance with its constitution and bylaws. 29 U.S.C. §481(e). The investigation disclosed that effective January 1, 2005, GCC and Teamsters merged. This is the first GCC officer election since the merger. Article II, section 1 of the Merger Agreement mandates that the GCC will be governed by the GCC Constitution except as otherwise provided for in the Merger Agreement.

Nowhere in the Merger Agreement is the issue of candidacy qualification addressed. Therefore the GCC Constitution applies. Article II, section 2 of the GCC Constitution, however, has a clear eligibility qualification. That provision imposes, in relevant part, a working at the trade requirement or holding an office or other employee position with the GCC, among other things, for three years immediately prior to nominations in order to qualify for GCC office. The GCC does not impose a requirement that the position or office held be full-time. The investigation disclosed that at the time of the election, Foreman was an incumbent GCC General Board Central Region Member, a part-time officer position, which he held for at least three years. Foreman has also been a president of Local 17 since 2001, another part-time position. Accordingly, Foreman, as

an officer of GCC for three years immediately prior to nominations, was eligible to run for office. The GCC properly permitted him to run for office. There was no violation.

For the reasons set forth above, it is concluded that there was no violation of the LMRDA affecting the outcome of the election, and I have closed the file in this matter.

Sincerely,

Cynthia M. Downing  
Chief, Division of Enforcement

cc: Mr. George Tedeschi, President  
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