



March 16, 2023

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed with the U.S. Department of Labor (the Department) on August 22, 2022, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), 29 U.S.C. §§ 481–483, occurred in connection with the November 2022 election of officers of the International Executive Board (IEB) of the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW).

The Department investigated your allegations and has concluded that there was no violation of the LMRDA that may have affected the outcome of the election.

By a Consent Decree Order dated January 29, 2021, the United States District Court for the Eastern District of Michigan appointed an outside entity (the UAW Monitor) to establish rules and provide oversight of the UAW's internal affairs, including international officer elections, for the next six years. Pursuant to Sections 24 and 45 of the Consent Decree Order and Section 9-2 of the 2022 UAW International Officer Election Rules dated May 11, 2022, the UAW Monitor is the initial and final authority for all UAW union officer election protests.

Your complaint concerns interpretations of the UAW Constitution that UAW President Ray Curry issued on March 24, 2022. Article 13 Section 8 of the UAW Constitution grants the President the power of interpretation. It states in relevant part that "[t]he International President shall decide disputes or questions in controversy, including all questions involving interpretations of this Constitution." On March 15, 2022, the UAW Monitor requested that Curry interpret the Constitution to settle the question of whether it permitted retired members to run for the IEB. Curry then issued his interpretations, under which the Constitution prohibits retired members from running for the IEB.

On July 30, 2022, you filed a protest with the UAW Monitor, concerning its acceptance of Curry's interpretations. The Monitor denied this protest on August 1, 2022. On May 1, 2022, you filed an Article 33 appeal with the IEB. The IEB denied this appeal on June 9, 2022. You appealed this denial to the Convention Appeals Committee (CAC) on July 11, 2022, and the CAC denied the appeal on July 22, 2022. Your complaint to the Department followed.

In your complaint, you alleged that the UAW Constitution unambiguously permits retired members to run for the IEB and that President Curry, by issuing interpretations contradicting this, effectively amended the UAW Constitution without following the amendment procedure of Article 3, which requires a majority vote of delegates at a Constitutional or Special Convention. Based on your belief that the UAW Constitution permits retired members to run for the IEB, you assert that the decision to prohibit retirees from running for the IEB violates the UAW Constitution. Section 401(e) of the LMRDA requires that unions conduct officer elections in accordance with its own constitution and bylaws. 29 U.S.C. § 481(e).¹ Accordingly, the issue presented to the Department is whether the UAW violated its constitution when President Curry issued an interpretation deeming retired members ineligible to run for the IEB.

The Department accepts interpretations that the responsible union official or governing body consistently places on a union's constitution unless the interpretation is clearly unreasonable. 29 C.F.R. § 452.3. The UAW Constitution can reasonably be read to prohibit retired members from running for the IEB. The UAW Constitution at Article 6 Section 19 states that retired members are entitled "to all of the privileges of membership," with a few enumerated exceptions. While this section does not, on its face, restrict retirees from running for the IEB, longstanding UAW policy prohibits retirees from running for local union positions because they involve collective bargaining and grievance handling responsibilities. Furthermore, no retired members have run for the IEB in past elections, except ██████████ in 2018, who failed to secure a nomination. Given the past prohibition on retired members holding union office and the lack of retired candidates in previous IEB elections, the President's interpretation is not clearly unreasonable.

Because the interpretation is not clearly unreasonable, President Curry did not violate Article 3 of the UAW Constitution. There was thus no violation of the LMRDA.

¹ The Department notes that while you specifically cited to section 403 of the LMRDA, 29 U.S.C. § 483, in your complaint, that particular provision is a "conflict of law" provision. The clear subject of your complaint deals directly with officer election provisions required by section 401(e). Accordingly, the Department analyzed your complaint under section 401(e)'s framework.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred that may have affected the outcome of the election. Accordingly, the office has closed the file in this matter.

Sincerely,



Tracy L. Shanker
Chief, Division of Enforcement

cc: Ray Curry, President
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, Associate Solicitor
Civil Rights and Labor-Management Division