

Statement of Reasons for Dismissing a Complaint
Alleging Communication Workers of America
Improperly Imposed a Trusteeship over
Local 6001

The Department of Labor (Department) received a complaint dated July 19, 2021, challenging the validity of the trusteeship imposed by the Communication Workers of America (International) over its subordinate body, Local 6001 (local or Local 6001), on May 28, 2021. The Complainant alleged that the trusteeship was not imposed for a purpose allowable under Section 302 of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. § 462.

The complaint alleged that no reason was provided or existed for imposing an emergency trusteeship. Section 302 of the LMRDA specifies the purposes for which a labor organization may impose a trusteeship over a subordinate: correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of such labor organization. 29 U.S.C. § 462. The International need specify only one of these purposes to impose a trusteeship. As long as the trusteeship is imposed in conformity with the International's Constitution and Bylaws, and is authorized or ratified after a fair hearing, the trusteeship must be presumed valid for eighteen months from the date of its establishment. *See* 29 U.S.C. §§ 462, 464(c).

Article XIII, Section 8(b) of the International Constitution addresses trusteeships under its term "temporary Administration." That provision provides that the International Executive Board (EB) may appoint a temporary administrator to temporarily conduct the affairs of local after receiving a request from the officers or membership of a local for such action. In the event the local or its officers shall object to the appointment of a temporary administrator, the President shall give notice in writing to the local of the reasons which were the basis for the appointment of the temporary administrator; shall appoint a member of the EB to hold a hearing for the purpose of determining the reasons for and the objections of the local or its officers to the appointment of a temporary administrator. The local shall be entitled to reasonable notice of the time and place of hearing which shall not be less than ten (10) days.

The powers of Local 6001 officers are set forth at Article VII of the Local constitution, stating "The governing authority of Local 6001 will be, in order of precedence: A. The membership of the Local, acting through secret ballot referendum and in accordance with the CWA Constitution. Such action by the members will be the highest governing authority of Local 6001... C. The Executive Board, consisting of elected officers and such other members as established in these by-laws, acting in regular or special meetings... D. The officers of Local 6001 between meetings of the Executive Board. E. The President of Local 6001 will have to power to act on matters authorized in these by-laws, by the Executive Board, or by the Delegate Assembly."

The International imposed a trusteeship over Local 6001 on May 28, 2021. The investigation disclosed two members of Local 6001's EB sought the International's intercession, requesting a trusteeship be imposed over Local 6001. By separate letters dated May 24, 2021, to the International, each local EB member complained about in-fighting among the EB members that hampered the ability of the local to function in the interests of its members. The investigation disclosed that the local failed to hold any membership meetings. In addition, local EB members and local staff failed to visit member worksites. Most significantly, the local executive board members quarreled amongst each other, with several EB members refusing to accept any directives from the local president, thwarting the local president's authority under the local bylaws.

By letter dated May 27, 2021, District Vice President ██████████ requested that the International EB vote on whether to impose a trusteeship over the local, citing six reasons for imposing the trusteeship. Namely, the local had never had a membership vote on any local budget; the local was paying local EB members' salaries without authorization; grievances were not being properly addressed; financial reports were not being provided to the membership; in-fighting among local EB members made it impossible for the EB to work together for the good of members; and the membership was not being properly serviced. That letter also stated that Vice President ██████████ and other District 6 staff had repeatedly attempted to mediate the issues among local EB members in an effort to encourage local EB members to put aside their differences to work for the good of the membership. Those numerous attempts failed. On May 28, 2021, the IEB approved the trusteeship over Local 6001.

This breakdown in the local's leadership jeopardized assuring the performance of duties of bargaining representatives, restoring democratic procedures and otherwise carrying out the legitimate objects of the International. Based on these findings, the trusteeship was imposed for an allowable purpose under section 302, and was presumed valid for 18 months from its imposition.

The complaint also alleged that no hearing was held either before or after the trusteeship was imposed. The investigation confirmed this allegation. The presumed validity of the trusteeship within 18 months of its imposition is conditioned on the International holding a fair hearing either before or after the imposition of a trusteeship. 29 U.S.C. § 304(c). The International mistakenly relied on its Constitution which requires a hearing only when a member makes such a request. *See* Art. XIII, Sec. 8. The International reasoned that since no member had requested a hearing, none was required. However, the Fifth Circuit has held that section 304(c)'s hearing requirement is mandatory.¹ Although the International should have held a hearing either before or after the imposition of the trusteeship, that issue is now moot. The International lifted

¹ *Jolly v. Gorman*, 428 F.2d 960, 966-967 (5th Cir. 1970).

its trusteeship on September 27, 2022, and filed a Terminal Trusteeship Report (Form LM-16) on November 7, 2022, attesting to the full restoration of the local's autonomy.

For the reasons set forth above, the complaint is dismissed.



March 30, 2023

[REDACTED]

Dear [REDACTED]:

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 a trusteeship imposed by the Communications Workers of America over Local 6001, in Euless, Texas.

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,

[REDACTED]

Tracy L. Shanker
Chief, Division of Enforcement

cc: [REDACTED], Associate Solicitor
Civil Rights and Labor-Management Division



March 30, 2023

Christopher M. Shelton, President
Communications Workers of America
501 Third Street, NW
Washington, DC 20001-2797

Dear Mr. Shelton:

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 a trusteeship imposed by the Communications Workers of America over Local 6001, in Euless, Texas.

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Sincerely,

[Redacted Signature]

Tracy L. Shanker
Chief, Division of Enforcement

cc: [Redacted], Associate Solicitor
Civil Rights and Labor-Management Division