

Statement of Reasons
for Dismissing a Complaint
Alleging International Association of Bridge,
Structural, Ornamental and Reinforcing Iron Workers
Improperly Continued a Trusteeship
over its Subordinate Body
Local 853
Beyond Eighteen Months

The U.S. Department of Labor (Department) received a complaint on January 12, 2022, challenging the continuation of a trusteeship imposed by the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers (IU) over its subordinate body, Local 853, on July 1, 2018. The complaint alleged that the continuation of the trusteeship beyond the eighteen-month presumption of validity violated Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA). 29 U.S.C. § 464(c).

Section 304 of the LMRDA provides, in relevant part, that a trusteeship that continues beyond a period of eighteen months after the date of its establishment, will be presumed invalid and its discontinuance will be decreed unless the labor organization shows by clear and convincing proof that the trusteeship's continuation is necessary for a purpose allowable under section 302. 29 U.S.C. § 464(c). Section 302 of the statute authorizes a parent body's imposition of a trusteeship over a subordinate body for the purpose of correcting corruption or financial malpractice, assuring performance of a collective bargaining agreement or other duties of bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of the parent body. 29 U.S.C. § 462.

On July 1, 2018, the IU imposed a trusteeship over Local 853 for a purpose allowable under section 302. The eighteen-month period of presumed validity expired on January 1, 2020. During the Department's April 13, 2022 interview of an IU Executive Director and the General Counsel of the IU and Local 853, these individuals were unable to show by clear and convincing proof that continuation of the trusteeship over Local 853 was necessary for a purpose allowable under section 302. As a result, the trusteeship was presumed invalid and, therefore, its discontinuance was required under Section 304 of the LMRDA.

By letter dated April 29, 2022, the General Counsel advised the Department that Local 853 remained under supervision, but the IU would endeavor to terminate the trusteeship by August 1, 2022, at the latest. On October 10, 2022, the General Counsel submitted to the Department Local 853's nominations and election notice dated July 20, 2022, that was mailed to members' last known home addresses and posted on

the shop bulletin boards. The General Counsel also provided the final version of the Local 853 Bylaws, dated June 28, 2022, as well as details regarding Local 853's nominations and election process. In addition, the General Counsel provided documentation substantiating that nominations for Local 853 office were made during a virtual meeting held on Saturday, August 6, 2022, and documents showing the names of those members who made nominations or were nominated during the nominations meeting. Finally, the General Counsel provided the minutes for the nominations meeting, which showed that the nomination of each candidate for Local 853 office was uncontested, resulting in a "white ballot." As a result, such new officers were elected by acclamation.

Finally, the investigation found that in August 2022 the newly elected officers of Local 853 were installed into office. On September 19, 2022, the General Counsel provided the requisite Form LM-16 Terminal Trusteeship Report to the Department attesting to the restoration of Local 853's full autonomy. The Department's investigation found that the local's autonomy has been fully restored.

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



December 19, 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 the trusteeship imposed by the International Association of Bridge, Structural, Ornamental, and Reinforcing Iron Workers over Local 853 in Forest Park, Illinois.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards (OLMS). 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

Enclosure

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



December 19, 2023

Eric Dean, General President
International Assn. of Bridge, Structural, Ornamental and Reinforcing Iron Workers
1750 New York Avenue NW, Lower Lobby
Washington, DC 20006

Dear General President Dean:

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 Association of Bridge, Structural, Ornamental, and Reinforcing Iron Workers over Local 853 in Forest Park, Illinois.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards (OLMS). 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,



Tracy L. Shanker
Chief, Division of Enforcement

Enclosure

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