## **U.S. Department of Labor**

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



October 27, 2011

Dear

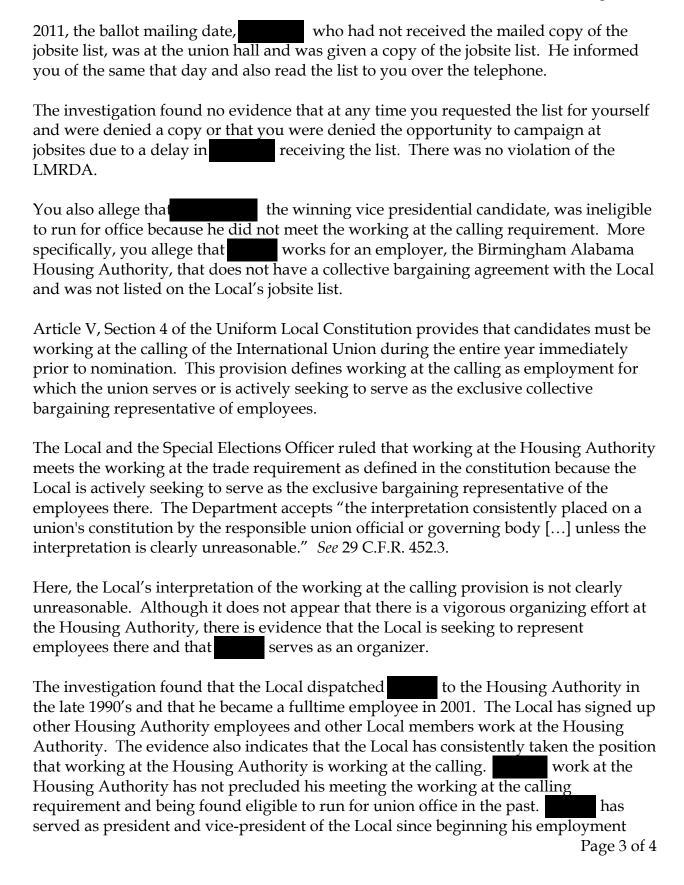
This Statement of Reasons is in response to the complaint that you filed with the United States Department of Labor on July 15, 2010, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the election of officers and delegates for Local 559 of the Laborers International Union of North America (LIUNA), completed on June 3, 2011.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that there was no violation of the LMRDA.

You allege that the Local did not timely provide your designated observer with a list of jobsites as required by Article III, Section A of LIUNA's 2011 Convention Delegate Election Rules. The Delegate Election Rules provide that no later than seven days after the nomination meeting, a local with a contested election shall prepare a list of worksites and such list shall be made available on request to a candidate. These rules were applicable to this election because one delegate to the LIUNA Convention was elected along with Local union officers.

The investigation found that nominations took	place May 4, 2011. On May 12, 2011,
you wrote the Local appointing	as your observer and requested a jobsite
list. Although you did not specify in the letter	to whom you wanted the jobsite list to be
provided, the Local interpreted your letter as a	appointing to receive the list on
your behalf and mailed the jobsite list to	at his correct address on May 13,
2011. You acknowledged during the investiga	tion that you had indeed appointed
to receive the list on your behalf.	

The investigation found that you were at the union hall on May 16, 2011, and asked the office secretary about the jobsite list and were told it was sent to ................................. On May 19,



with the Housing Authority. Moreover, the investigation found the Local's omission of the Housing Authority from the jobsite list was the result of a clerical error. There was no violation of the LMRDA.

You also allege that your observer was not timely notified of all election events. Nothing in the Local's constitution requires or sets out timelines for candidate or observer notification of election events. The LMRDA does not require that observers receive timely notice of the various aspects of the election. Consequently, failure to provide such notice did not violate LMRDA.

Here, the investigation did reveal that the Special Elections Officer ruled that to give effect to the right to observe, the Local was to provide reasonable notice of observable events. Even if this ruling could be viewed as a constitutional requirement, the evidence shows that you and your observer were given reasonable notice of election events.

The investigation found that you were at the pick-up of ballots on May 16, 2011; that you and your observer were notified in writing and by telephone that ballots would be mailed May 19, 2011; that on the morning of May 18, 2011, you and your observer received notice that the ballot preparation was to be done that morning, the last day when the ballot preparation could have occurred to ensure the May 19 ballot mailing; and that you were notified by telephone on May 20, 2011, of the dates on which undeliverable ballots would be picked up from the post office. Further, you acknowledge that there were no events of which you were not notified. There was no violation of the LMRDA.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA, and we have closed the file in this matter.

Sincerely,

Patricia Fox Chief, Division of Enforcement cc: Mr. Christopher Boykin, President Laborers International Union of North America, Local 559 1229 22<sup>nd</sup> St. North Birmingham, AL 35234

> Mr. Terrence O'Sullivan, General President LIUNA 905 16<sup>th</sup> Street, NW Washington, DC 20006

Christopher B. Wilkinson, Associate Solicitor Civil Rights and Labor-Management Division