



August 18, 2010


Case Number: |||||  
LM Number: 543857

Dear |||||:

This is in response to your letter dated June 5, 2010, and received in this office on July 7, 2010, in which you seek to file a complaint with the Secretary of Labor challenging the election of officers conducted by SEIU (Service Employees International Union) Healthcare Michigan on March 10, 2010.

The Office of Labor-Management Standards (OLMS) of the U.S. Department of Labor enforces provisions of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), including those which govern union officer elections.

Section 402 of the LMRDA provides that before a member may file an election complaint with the Secretary of Labor, he or she must first exhaust the remedies available under the constitution and bylaws of the labor organization and of any parent body, or must pursue such remedies for three calendar months without obtaining a final decision.

This office has reviewed the correspondence you submitted and the appropriate provisions of the SEIU Healthcare Michigan Constitution dated January 2010 and the 2008 SEIU Constitution. In addition, an investigation was conducted regarding your pursuit of internal union remedies. The review and investigation disclosed that you did not properly exhaust your internal union remedies with SEIU Healthcare Michigan before appealing to the SEIU. You received a letter from the SEIU Healthcare Michigan Election Committee, dated April 19, 2010, notifying you that your initial election protest was denied. The letter advised that you could appeal the decision of the Election Committee to the SEIU Healthcare Michigan Executive Board within 15 days. Your appeal of the Election Committee's decision to the Executive Board was not received within the established 15-day period. Therefore, since you have not satisfied either of the requirements of Section 402 of the LMRDA, OLMS cannot accept your complaint at this time. You may resubmit your complaint to OLMS within one calendar month if and after you receive a final decision on the merits of your appeal to the SEIU.

I am enclosing a copy of the LMRDA and an OLMS pamphlet entitled *Union Officer Elections – A Complainant’s Guide*. The procedures for filing a complaint with the Secretary of Labor are outlined on page two of this pamphlet. Please review the information in the pamphlet carefully and contact Investigator Grant Thomas at (616) 456-2335 if you have any questions.

Sincerely,

Ian Burg  
District Director

Enclosures