



April 29, 2010



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed on February 4, 2010, with the Department of Labor, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA or the Act), 29 U.S.C. §§ 481-484, occurred in connection with the election of officers conducted by the International Brotherhood of Teamsters (the International), Local 373 (the Local), on October 10, 2009.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that no violation of the LMRDA occurred regarding your allegations. This conclusion is explained below.

You alleged that the Local violated the Act when it found you to be ineligible to run for the position of Secretary-Treasurer. Specifically, you challenged the Local's determination that you did not have the 24 months of continuous good standing status required to be a candidate for office.

Section 401(e) of the LMRDA, 29 U.S.C. § 481(e), requires that elections be conducted in accordance with the union's constitution. *See also* 29 C.F.R. § 452.109. Article X, Section 5(c), of the International's Constitution provides that any member failing to pay dues on or before the last business day of each month will not be in good standing for that month. That constitutional provision further states that "[p]ayment of such dues after their due date shall not restore good standing status for such month or months in computing the continuous good standing status required by ... this Constitution as a condition of eligibility for office."

Further, Section 17 of the Local's Bylaws provides that "[t]o be eligible for election to any office in this Local Union, a member must be in continuous good standing ... for a period of twenty-four (24) consecutive months prior to the month of nomination for said office, and must be eligible to hold the office if elected."

The investigation disclosed that you have been on lay-off status since the latter part of January 2008. According to the collective bargaining agreement at Article 3, Section 3, it

was your responsibility to ensure that you paid your dues when you had no earnings during the pay period in which dues were deducted. The investigation disclosed that you had no earnings during those pay periods in which dues for February, March, and April 2008 were deducted. The investigation showed that you paid your dues for February, March, and April 2008 on May 22, 2008, clearly beyond the last business day of the months in which they were due. Therefore, you were not a member in good standing during those months. Although you subsequently paid this three-month arrearage in May 2008, that payment did not restore your continuous good standing status for purposes of eligibility for office, as provided in Article X, Section 5(c), of the Constitution. Accordingly, no violation occurred.

You also alleged that the Local unlawfully found you ineligible to run because you were not actively seeking and available for employment while in layoff status. Because you were ineligible due to your lack of continuous good standing, as found above, it was unnecessary to investigate this allegation. Similarly, it was not necessary to investigate the International's claim that you did not properly appeal to General President Hoffa or your claim that your nominators were intimidated into withdrawing your nomination, because you were ineligible to run for office in any event.

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

Sincerely,



Cynthia M. Downing,
Chief, Division of Enforcement

cc: Mr. James Hoffa, General President
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