



April 19, 2010



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed on January 13, 2010, with the Department of Labor alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 481-484, occurred in connection with the election of officers conducted by the International Brotherhood of Teamsters, Local 767, (Local 767), on November 14, 2009.

The Department of Labor (Department) conducted an investigation of your allegation. As a result of our investigation, the Department has concluded, with respect to your allegation, that there was no violation that may have affected the outcome of the election.

You alleged that the union's decision declaring you ineligible to run for office should be set aside because the United Parcel Service (UPS) failed to deduct dues from your paychecks. Section 17(c)(2) of Local 767's Bylaws requires that a candidate for office "must be in continuous good standing in this Local Union and actively employed at the craft within the jurisdiction of this Local Union for a period of twenty-four (24) consecutive months prior to the month of nomination" Continuous good standing means that the member must have paid dues with no interruption in membership during that period.

The Department's investigation established that you received workers' compensation from September 25, 2007 through February 2008, because of a work related injury to your hand. As you are aware, dues were not deducted from your workers' compensation checks. The investigation also revealed that you signed a withdrawal card authorization on November 4, 2007, which allowed Local 767 to suspend your dues during the period of time you were on an honorable withdrawal. Consequently, dues were not deducted from the paycheck you received from UPS for holiday pay during this period. Inasmuch as you were not a dues paying member for this period, you did not maintain continuous good standing for 24 months. While a member may

pay delinquent dues in order to restore good standing status, such retroactive payment cannot restore "continuous good standing" for eligibility purposes as required by Article II, Section 4 of the International Constitution. *See* Article X, Section 5(c) of the International Constitution. Thus, you were properly declared ineligible to run for office.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA that may have affected the outcome of the election, and I have closed the file regarding these allegations.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia M. Downing". The signature is written in a cursive style with a large, looped "D" at the end.

Cynthia M. Downing
Chief, Division of Enforcement

cc: James P. Hoffa, General President
Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001

Wesley Jenkins, President
Teamsters Local 767
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Forest Hill, TX 76119