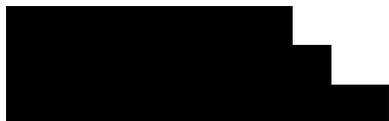




April 13, 2010



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed with the United States Department of Labor on January 19, 2010, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), 29 U.S.C. §§ 481 - 484, occurred in connection with the election of officers of Local 959 (Local 959 or local), International Brotherhood of Teamsters (International), conducted on November 10, 2009.

The Department of Labor (Department) conducted an investigation of your allegation. As a result of the investigation, the Department concluded that there was no violation.

You alleged that the local incorrectly determined that you were not a member in continuous good standing and therefore ineligible to run for office. Section 401(e) of the LMRDA provides, in relevant part, that every member in good standing shall be eligible to be a candidate subject to reasonable qualifications uniformly imposed. A continuous good standing requirement of two years or less is not, in and of itself, an unreasonable qualification on candidacy. See 29 C.F.R. § 452.37(a).

Article II, section 4(a)(1) of the International Constitution provides that "to be eligible for election to any office in a Local Union, a member must be in continuous good standing in the Local Union in which he is a member and in which he is seeking office . . . for a period of twenty-four (24) consecutive months prior to the month of nomination ." For this election, the twenty-four month qualifying period was from September 2007 to August 2009. The Department of Labor investigation revealed that membership dues to local unions are due on or before the first day of the current month. To maintain good standing, dues must be paid on or before the last business day of the month they become due. See Article X, section 5(c) of the International Constitution. Payment of 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 Article II, section 4 of this Constitution as a condition of eligibility for office.

The Department of Labor investigation revealed that you did not meet Article II, section 4(a)(1)'s definition of "continuous good standing" because your membership dues for February, March, May, and September 2008 and January 2009 were paid after the last business day for each of those months. Therefore, the union properly ruled you ineligible to run for office.

You argue that the constitution can be read to require the union to apply the payment of working dues to membership dues so that the member retains good standing if working dues are timely paid in a month where membership dues were not paid or not timely paid. Department of Labor regulations provide that the interpretation consistently placed on a union's constitution by the responsible governing body will be accepted unless the interpretation is clearly unreasonable. *See* 29 C.F.R. § 452.3. The union's interpretation of the relevant eligibility and good standing provisions is not clearly unreasonable.

Even assuming, without conceding, that your construction is meritorious, you would not have maintained continuous good standing. The International Constitution requires dues to be paid on or before the last business day of the current month. You did not timely pay in May 2008. As you were unemployed during May 2008, no dues were withheld or paid on your behalf by any employers for that month. You acknowledged you did not timely pay non-working membership dues of \$21 for the month of May 2008. The investigation showed that you paid the \$21 on June 5, 2008. Under Article X, section 5(c) of the International Constitution, this one late payment broke your continuous good standing for the qualifying period under your construction of the constitution. The local properly disqualified you from running for office. There was no violation.

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

Sincerely,



Patricia Fox
Acting Chief, Division of Enforcement

cc: James P. Hoffa, General President
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25 Louisiana Avenue, N.W.

Washington, D.C. 20001

Ken Coleman, Secretary-Treasurer
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