



September 7, 2010

Dear ||||| and |||||:

This Statement of Reasons is in response to |||||’s July 14, 2009 complaint and |||||’s July 27, 2009 complaint filed with the United States Department of Labor (Department) 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 the International Association of Machinists and Aerospace Workers (IAM), Local Lodge 1186 (Local 1186) conducted on April 15, 2009.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to each of your specific allegations that no violation occurred which may have affected the outcome of the election and has not already been remedied.

You both alleged that Local 1186 violated section 401(e) of the LMRDA, 29 U.S.C. § 481(e), by improperly disqualifying both ||||| and |||||, who is a not a complainant, from being candidates in the April 15, 2009 election of officers. Section 401(e) requires that every member in good standing shall be eligible to be a candidate and to hold office, subject to reasonable qualifications uniformly imposed. 29 U.S.C. § 481(e).

The Department’s investigation revealed that both ||||| and ||||| were nominated but declared ineligible to be candidates in the election because they had outstanding debts owed to Local 1186. The union’s allegations of indebtedness arose from a 2006 audit of Local 1186, which found that former officers ||||| and |||||, among others, were indebted to the union due to alleged improper

payments they received from Local 1186 during their prior service as Local 1186 officers. This audit report led to Local 1186 being placed in trusteeship.

In order to remedy the alleged improper payments, the IAM recommended that Local 1186 hold a general meeting where the membership could vote to approve these expenditures, and if such expenditures were not approved, then the officers could reimburse the union. The Department's investigation determined that this membership meeting was held on October 18, 2006, and both [REDACTED] and [REDACTED]'s expenditures were either approved by membership vote or were reimbursed to the union.

While investigating the allegations that [REDACTED] and [REDACTED] were improperly disqualified from being candidates in the April 15, 2009 election, the Department found that five other nominees, who were permitted to run for office, also were found to be indebted to the union during the 2006 audit of Local 1186. The improper expenditures charged to each of these five former officers were also presented to the membership at the October 18, 2006 meeting, and like [REDACTED] and [REDACTED], their expenditures were either approved or reimbursed. The Department's investigation therefore determined that the union had not applied its qualifications requirements in a uniform manner when it disqualified both [REDACTED] and [REDACTED] from running for union office, in violation of section 401(e) of the Act.

During this investigation, the union notified the Department that because of internal union protests related to the conduct of the April 15, 2009 election, the union had determined to void the election results and order a remedial election. Since the Department had determined that the union had improperly determined that [REDACTED] and [REDACTED] were ineligible candidates in the April 15, 2009 election, the Department provided its investigative findings to the union and ultimately, Antunovich and Layton were deemed eligible to run for and hold office in this remedial election.

Local 1186 conducted a new election on April 21, 2010, allowing both [REDACTED] and [REDACTED] to be candidates for office. The Department determined that [REDACTED] was elected by acclamation and was installed into office on May 19, 2010. The Local 1186 April 2010 election remedied the initial findings of improper application of candidate qualification, and therefore, at this time there is no violation of the Act that would require that the Department take action concerning the earlier April 2009 election involved in this complaint.

Accordingly, the office has closed the file on this matter.

Sincerely,

Patricia Fox

Chief, Division of Enforcement

cc: R. Thomas Buffenbarger
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