

Statement of Reasons
For Dismissing the Complaint
Concerning the Trusteeship Imposed on
Oregon Federation of Nurses and
Health Professionals Local 5017

This Statement of Reasons is in response to an August 24, 2009 complaint filed with the United States Department of Labor (Department) alleging that the trusteeship imposed by the American Federation of Teachers International Union (AFT), upon the Oregon Federation of Nurses and Health Professionals Local 5017 (Local 5017) violated Title III of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), 29 U.S.C. §§ 461-466.

Pursuant to Sections 304(a) and 601 of the LMRDA, 29 U.S.C. § 464(a); 29 U.S.C. § 521, the Department conducted an investigation of this trusteeship, which was imposed on July 7, 2009. The Department's investigation disclosed that the trusteeship of Local 5017 was unlawful because it was not imposed for an allowable purpose under Section 302 of the LMRDA. *See* 29 U.S.C. § 462. While AFT cited three of Section 302's allowable purposes for imposing the trusteeship, the Department's investigation did not find justification to support those purposes. Rather, the trusteeship appears to have been imposed to prevent disaffiliation. It is the Department's position that it is unlawful to impose a trusteeship for the purpose of preventing disaffiliation. The Department notified AFT of its investigative findings.

Subsequently, AFT moved to restore Local 5017's autonomy and to lift the trusteeship. From March 18 – 31, 2010, AFT administrators of the trusteeship received nominations for Local 5017 officers and delegates to be elected when AFT lifted the trusteeship. On or about May 25, 2010, Local 5017 officers and delegates were elected; however, the position of Vice President, RN Bargaining Unit required a run-off election. The run-off election was completed on June 22, 2010, and on July 1, 2010, all newly-elected officers and delegates of Local 5017 were installed. With the installation of officers, AFT has lifted the trusteeship and restored autonomy to Local 5017. Accordingly, allegations concerning the validity of the trusteeship are moot. A claim alleging improper imposition of a trusteeship becomes moot when the trusteeship is lifted. *See Vars v. International Brotherhood of Boilermakers*, 320 F.2d 576, 577 (2d Cir. 1963).

Therefore, this office has closed the file in this matter.

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



August 10, 2010

Ms. Barbara Harvey, Esq.
1394 East Jefferson Avenue
Detroit, Michigan 48207

Dear Ms. Harvey:

This is to advise you of the disposition of the complaint you filed with the Secretary of Labor on behalf of [REDACTED] alleging violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) with respect to the trusteeship imposed by the American Federation of Teachers (AFT) over the Oregon Federation of Nurses and Health Professionals, Local 5017 of the AFT.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. Following a review of the investigative findings by this office and the Office of the Solicitor, Division for Civil Rights and Labor-Management, a decision has been made that those findings do not provide a basis for further action by the Department.

A statement of reasons setting forth the basis for this decision is enclosed.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: [REDACTED]
[REDACTED]

Katherine Bissell, Associate Solicitor for Civil Rights and Labor-Management

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



August 10, 2010



Dear [REDACTED]:

This is to advise you of the disposition of your complaint filed with the Secretary of Labor alleging a violation of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) with respect to the trusteeship imposed by the American Federation of Teachers (AFT) over the Oregon Federation of Nurses and Health Professionals, Local 5017 of the AFT.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. Following a review of the investigative findings by this office and the Office of the Solicitor, Division for Civil Rights and Labor-Management, a decision has been made that those findings do not provide a basis for further action by the Department.

A statement of reasons setting forth the basis for this decision is enclosed.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Katherine Bissell, Associate Solicitor for Civil Rights and Labor-Management

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



August 10, 2010

Ms. Randi Weingarten, President
American Federation of Teachers
555 New Jersey Avenue, NW
Washington, DC 20001

Dear Ms. Weingarten:

This is to advise you of the disposition of the complaints filed with the Secretary of Labor alleging violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) with respect to the trusteeship imposed by the American Federation of Teachers (AFT) over the Oregon Federation of Nurses and Health Professionals, Local 5017 of the AFT.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. Following a review of the investigative findings by this office and the Office of the Solicitor, Division for Civil Rights and Labor-Management, a decision has been made that those findings do not provide a basis for further action by the Department.

A statement of reasons setting forth the basis for this decision is enclosed.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Mr. David J. Strom, General Counsel

Katherine Bissell, Associate Solicitor for Civil Rights and Labor-Management