

Statement of Reasons
For Dismissing a Complaint Concerning the
Trusteeship Imposed on Local 6A, Laborers' International Union
of North America on March 3, 2011
in Flushing, New York

A member in good standing of the Laborers International Union of North America (LIUNA or International), Local 6A (local), filed a complaint dated May 10, 2011, with the Secretary of Labor concerning the validity of a trusteeship imposed on the local by the International. The complainant alleged that the trusteeship had not been established for an allowable purpose and that the reasons given by the International for establishing the trusteeship were invalid.

The LMRDA provides that trusteeships are allowable for the purpose of "correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of such labor organization." 29 U.S.C. §462.

The Department's investigation established that on December 21, 2010, the LIUNA Office of Special Counsel filed a complaint with the Laborers' Independent Hearing Officer (IHO) seeking to impose a trusteeship over Local 6A. The hearing on this matter was held on March 2 and 3, 2011. Members and officers of Local 6A attended the hearing and were represented by legal counsel. At the hearing, the LIUNA Special Counsel argued that the financial integrity of Local 6A had been compromised and that there was a pattern of financial malpractice and self-dealing by Local 6A officials. The local presented evidence in defense against these charges. The IHO determined that the imposition of a trusteeship over Local 6A was warranted to eradicate financial malpractice and self-dealing by Local 6A officials, to restore democratic practices, to carry out the legitimate objects of Local 6A, and to protect the local as an institution.

The Department of Labor investigation revealed facts that would substantiate the charges brought by the Office of Special Counsel and the IHO's determination. The trusteeship was imposed for reasons allowable under Section 302 of the LMRDA.

The Department's investigation revealed not only that the trusteeship was imposed for an allowable purpose but also that the trusteeship was imposed in accordance with the LIUNA constitution and bylaws. Article IX, Section 7, of the International Constitution provides that the general president may appoint a trustee in order to correct corruption or financial malpractice. However, prior to such appointment, a notice of hearing must be given for the purpose of determining whether a trustee shall be appointed. These requirements were met when the LIUNA Office of Special Counsel filed a

complaint with the IHO seeking to impose a trusteeship over Local 6A, and a hearing on this matter was held on March 2 and 3, 2011.

The LMRDA provides that a trusteeship established by a labor organization in conformity with the procedural requirements of its constitution and bylaws and authorized or ratified after a fair hearing by a labor organization in conformity with its constitution and bylaws is presumed valid for a period of eighteen months unless it can be shown upon "clear and convincing proof" that the trusteeship was imposed for an improper purpose or in bad faith. Inasmuch as the trusteeship was established for a purpose allowable under Section 302 of the LMRDA, 29 U.S.C. §462, and in accordance with the trusteeship provisions, Article IX, Section 7 of the International Constitution, pursuant to a fair hearing, the trusteeship is presumed to be valid for a period of 18 months from March 11, 2011, the date of its establishment. There is no violation.

For the reasons set forth above, the Department has concluded that there was no violation of section 302 of the LMRDA, and I have closed the file regarding 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



February 10, 2012

[REDACTED]

Dear [REDACTED]

This is to advise you of the disposition of your complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred with respect to your allegation of a trusteeship being imposed by the Laborers' International Union of North America (LIUNA), over Local 6A, Flushing, New York.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. After carefully reviewing the investigative findings, and after consulting with the Solicitor of Labor, we have determined that legal action is not warranted in this case. We are, therefore, closing our file as of this date.

The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

cc: Christopher Wilkinson, Associate Solicitor

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210



February 10, 2012

Mr. Robert Trenkle, International Representative
Laborers' International Union of North America
11135 Trade Center Drive, Suite 100
Rancho Cordova, California 95670

Dear Mr. Trenkle:

This is to advise you of the disposition of a complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), occurred with respect to the allegation of a trusteeship being imposed by the Laborers' International Union of North America (LIUNA) over Local 6A, Flushing, New York.

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The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

cc: Christopher Wilkinson, Associate Solicitor



U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210

February 10, 2012

Terence M. O'Sullivan, General President
Laborers' International Union of North America (LIUNA)
905 16th Street, N.W.
Washington, D.C. 20006-1765

Dear Mr. O'Sullivan:

This is to advise you of the disposition of a complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), occurred with respect to the allegation of a trusteeship being imposed by the Laborers' International Union of North America (LIUNA) over Local 6A, Flushing, New York.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. After carefully reviewing the investigative findings, and after consulting with the Solicitor of Labor, we have determined that legal action is not warranted in this case. We are, therefore, closing our file as of this date.

The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

cc: Christopher Wilkinson, Associate Solicitor