



March 15, 2012

[REDACTED]
[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 Communication Workers of America (CWA), over Local 6143, in San Antonio, Texas.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by OLMS. 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

Enclosures

cc: Christopher B. Wilkinson
Associate Solicitor, Civil Rights Labor-Management Division

U.S. Department of Labor

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



March 15, 2012

Mr. Larry Cohen
501 Third Street, NW
Washington, DC 20001

Dear Mr. Cohen:

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 (LMRDA), occurred with respect to a trusteeship being imposed by the Communication Workers of America (CWA), over Local 6143, in San Antonio, Texas.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by OLMS. 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.

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Patricia Fox
Chief, Division of Enforcement

Enclosures

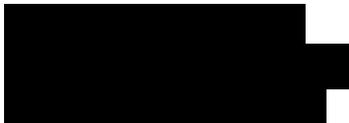
cc: Christopher B. Wilkinson
Associate Solicitor, Civil Rights Labor-Management Division

U.S. Department of Labor

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



March 23, 2012



Dear [REDACTED]:

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 (LMRDA), occurred with respect to a trusteeship being imposed by the Communication Workers of America (CWA), over Local 6143, in San Antonio, Texas.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by OLMS. 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

Enclosures

cc: Christopher B. Wilkinson
Associate Solicitor, Civil Rights Labor-Management Division

Statement of Reasons
Dismissing a Complaint Concerning the Trusteeship
Imposed by the Communication Workers of America on
Local 6143

This Statement of Reasons dismisses the complaint filed with the Department of Labor on February 22, 2011, alleging that the Communications Workers of America (National) violated Title III of the Labor-Management Reporting and Disclosure Act (LMRDA), 29 U.S.C. 461-466, in connection with its imposition of a trusteeship over Local 6143, Communications Workers of America on December 21, 2010, in San Antonio, Texas.

The Department of Labor conducted an investigation of the allegations. As a result of the investigation, the Department has concluded, with respect to the specific allegations, that there was no violation of the LMRDA. Following is an explanation of this conclusion.

The complaint alleged that the National did not comply with the procedural requirements prescribed in the National constitution for establishing trusteeships by failing to conduct a hearing after the imposition of a trusteeship over Local 6143. Section 302 of the LMRDA, 29 U.S.C. § 462, requires that trusteeships be established and administered by a union over a subordinate body in accordance with the constitution and bylaws of the organization that has assumed the trusteeship over the subordinate body.

The investigation disclosed that the procedures prescribed in the National constitution for establishing and administering trusteeships require that a fair hearing be conducted after the imposition of a trusteeship but only if a member has objected in writing to such imposition. A December 10, 2009 directive adopted by the National further requires that a pre-trusteeship hearing be conducted to assess whether a trusteeship is warranted.

The investigation disclosed that on December 14, 2010, such pre-trusteeship hearing was conducted. The investigation revealed that the pre-trusteeship hearing was a full and fair hearing on the trusteeship that was imposed on December 21, 2010. The hearing complied with the requirements of the 2009 directive and the LMRDA. The LMRDA was not violated.

In addition, the complaint alleged that the trusteeship was imposed without just cause. Section 302 of the LMRDA, 29 U.S.C. § 462, provides that a trusteeship is to be established and administered only for allowable purposes, including assuring the performance of the collective bargaining agreement or other duties of the bargaining representative, and restoring democratic procedures.

National Area Director [REDACTED] conducted an internal investigation in connection with the November 18, 2010 letter to him from officers of Local 6143 requesting the National to appoint a temporary administrator to conduct the affairs of the local. The internal investigation disclosed, among other things, that the local had secured a temporary restraining order against one of the local's vice presidents, that the president and executive vice president were not able to hold regular executive board meetings due to the contention among the local executive board members, and that rank and file members had filed a recall petition against the local president and the executive vice president. In light of these circumstances, the National, consistent with the requirements of the LMRDA, imposed the trusteeship over Local 6143 to assure the performance of the collective bargaining agreement or other duties of the bargaining representative, and to restore democratic procedures, which are allowable purposes under the LMRDA. The LMRDA was not violated.

The complaint further alleged that the National placed Local 6143 under a trusteeship to seize the local's assets. Section 303 of the LMRDA, 29 U.S.C. § 463, provides that, during any period when a subordinate body of a labor organization is in trusteeship, it is unlawful to transfer to such organization any current receipts or other funds of the subordinate body except normal per capita tax and assessments payable by subordinates not in trusteeship.

The investigation disclosed that no funds had been transferred from the local to the National. Further, the investigation showed that any disbursements made from the local's assets during the trusteeship were to cover the cost of the local's regular operating expenses. The LMRDA was not violated.

Finally, the complaint alleged that the Administrator of the trusteeship attended a meeting in Branson, Missouri in late January 2011, and that he may have cast the local's delegate votes during that meeting. Section 303 of the LMRDA, 29 U.S.C. § 463 (a), makes it unlawful to count the vote of delegates in any convention or election of officers during any period when a subordinate body of a labor organization is in trusteeship unless such delegates have been chosen by secret ballot. At the time of the 2011 meeting, no secret ballot election of Local 6143 convention delegates had been conducted. In any event, the Branson, Missouri meeting involved the selection only of members for the District 6 mobility bag committee. No election of union officers was conducted during the meeting. Further, the Administrator did not participate in the selection process. The LMRDA was not violated.

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