

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
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March 1, 2012

Mr. Harold J. Daggett, President
International Longshoremen's Association
5000 West Side Avenue, Suite 100
North Bergen, New Jersey 07047

Dear Mr. Daggett:

Based on a union member's complaint and pursuant to the authority of Sections 304(a) and 601 of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), the Office of Labor-Management Standards (OLMS) conducted an investigation concerning the trusteeship that was imposed over International Longshoremen's Association (ILA) Local 1982 in Toledo, Ohio on April 23, 2010.

The Department's investigation determined that the trusteeship was established in accordance with the ILA constitution and bylaws, after a fair hearing and for a purpose allowable under section 302 of the LMRDA. Consequently, the trusteeship enjoyed the presumption of validity for a period of 18 months. 29 U.S.C. 464(c). However, the investigation also determined that the duration of the trusteeship has exceeded the 18-month period of validity. This period ended on October 23, 2011. A trusteeship is presumed invalid at the expiration of 18 months, unless clear and convincing proof is provided that continuation of the trusteeship is necessary for a purpose allowable under the LMRDA. The evidence presented by ILA in the course of the Department's investigation did not provide clear and convincing proof that the continuation of the trusteeship is necessary, as required by the LMRDA. 29 U.S.C. §464(c). The ILA is in violation of the trusteeship provisions of the LMRDA.

However, the ILA informed OLMS in a letter dated February 27, 2012 that after conversations with the co-trustees of Local 1982, the ILA is planning to hold local union elections on July 10, 2012, to bring Local 1982 out of trusteeship. ILA notes that a more immediate election is not a viable option due to the seasonal nature of the longshore industry in the Local 1982, Great Lakes area. The St. Lawrence Seaway freezes during the winter months, and the Port of Toledo, where the members work, effectively shuts

down from November through April. As a result, the members of Local 1982 temporarily leave during the winter months.

Based on the ILA's representation that an election bringing Local 1982 out of trusteeship will be held in July and the Department's concern for an election which would allow for the maximum membership participation, the Department will not initiate enforcement proceedings at this time. However, in the event that elections are not held in July of this year to restore autonomy to Local 1982, the Department at that time will be initiating enforcement proceedings pursuant to 29 C.F.R. §§458.66 and 458.67.

Sincerely,

Patricia Fox, Chief
Division of Enforcement

cc: John Sheridan, Counsel to the ILA
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