



August 23, 2013

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your March 13, 2013 complaint filed with the U.S. Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of officers conducted by United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of United States and Canada (UA), Local 234 on December 8, 2012.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to each of your allegations that no violation occurred which may have affected the outcome of the election.

You alleged that Local 234 improperly denied [REDACTED] a candidate for business manager, access to the union's membership list and phone numbers. Section 401(c) of the LMRDA provides that a labor organization may not discriminate in favor of or against a candidate in the use of membership lists. In addition, each candidate has the right to inspect a list containing the names and last known addresses of all members once within 30 days prior to the election. *See* 29 C.F.R. § 452.72. While a candidate has a right to inspect the list of names and addresses, there is no statutory right for a candidate to obtain a copy of a list of members' addresses and phone numbers.

The investigation determined that, in September 2012, Douglas submitted a request for Local 234's membership list and phone numbers, among other information. Local 234 did not honor this request at that time, which was two months prior to the November 1 nominations. The investigation revealed, however, that on November 2, phone lists and mailing labels were made available to all candidates upon request. Both you and [REDACTED] confirmed this during the investigation and the Department reviewed the signed receipts log with your signatures acknowledging that the documents were obtained. There was no evidence that any candidate received a phone list, or any list, before the 2012 nominations for this election. Accordingly, Local 234 did not discriminate in favor or against any candidate. There was no violation of the LMRDA.

You alleged that Local 234 denied candidates the opportunity to meet with the election committee as a group to hear the election procedures. Section 401(e) of the LMRDA requires that elections be conducted in accordance with the constitution and bylaws of the labor organization. Section 401(c) of the LMRDA requires unions to refrain from discrimination in favor or against any candidate.

The investigation revealed that during the nominations meeting on November 1, the election chair announced that the committee would meet with any candidate who had questions. You and [REDACTED] were the only candidates to attend and had the opportunity to address any election concerns to the committee. Furthermore, both the Local's and UA's constitution and bylaws are silent regarding candidate meeting requirements. Neither requires that candidates have the opportunity as *a group* to hear the election procedures or that a candidate meeting must even be held. Therefore, there was no violation of the LMRDA.

In addition to the allegations discussed above, your complaint included a claim that a candidate was ineligible to run for office because he held a management/supervisory position with his employer. This claim was not timely protested under the union Constitution, which requires that challenges to eligibility be made at the time they are discovered, which you did not do. *See* Section 125(b) of the UA Constitution. Accordingly, you did not properly exhaust this allegation under the union's procedure, as required by section 402(a) of the LMRDA and it is not properly before the Department.

For the reasons set forth above, it is concluded that no violation of the LMRDA affecting the outcome of the election occurred. Accordingly, the office has closed the file on this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

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