



February 14, 2013



Dear [REDACTED]

This Statement of Reasons is in response to your complaint filed with the Department of Labor on May 3, 2012, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of union officers conducted by the United Transport Workers Union of America, Local 512, on February 13, 2012.

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

You alleged that the local bylaws and International constitution do not prohibit a candidate from accepting nominations for multiple offices, but the local ruled that you could only accept a nomination for one office. Section 401(e) of the LMRDA requires a union to conduct an election of officers in accordance with its constitution and bylaws. Section 401(e) of the LMRDA further requires a union to afford a reasonable opportunity for the nomination of candidates. The LMRDA, however, does not prescribe nomination rules. Thus, a union is free to impose restrictions on nominations so long as such restrictions conform to the union's constitution and bylaws and are consistent with the provisions of Title IV of the LMRDA. 29 C.F.R. § 452.55.

The Department's investigation disclosed that you were nominated for the office of recording secretary and the office of financial secretary treasurer. The local informed you that you could not accept a nomination for two offices in the same election. As a result, you accepted the nomination for recording secretary.

The investigation showed that the International's constitution and the local bylaws have no specific provision restricting the number of offices for which a candidate may accept a nomination. However, the union interprets Article XXVII, Section 1 of the International's constitution as supporting this policy. This provision provides, "no

member shall draw two (2) salaries from the Transport Workers Union of America and/or any Local or any subdivision thereof." The offices of recording secretary and financial secretary treasurer, the offices for which you were nominated, are both salaried positions. Your election to these offices could have resulted in the local being required to pay you two salaries, one for each office, in contravention of the constitutional proscription in Article XXVII, Section 1 prohibiting such payments. A literal reading of Article XXVII, Section 1 of the International constitution supports the International's interpretation of this provision as prohibiting members from receiving two union salaries at the same time. Thus, the union's interpretation is not clearly unreasonable and is therefore acceptable. *See* 29 C.F.R. § 452.3.

Consequently, the local's ruling that you were prohibited from accepting nominations for two paid officer positions in the same election was not unreasonable. Moreover, the local did not permit any candidate, including you, to accept more than one nomination for a paid officer position during the election. Thus, the policy was applied uniformly to all candidates.

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.

Sincerely,

Patricia Fox
Chief, Division of Enforcement
Office of Labor-Management Standards

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