



September 30, 2015

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the U.S. Department of Labor on May 10, 2015. Your complaint alleged that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the United Brotherhood of Carpenters and Joiners (UBC), Local 45 delegate election on March 31, 2015. The UBC General Convention is scheduled for August 2015.

The Department of Labor (Department) conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that there was no violation of the LMRDA.

First, you objected that UBC Local 45 improperly disqualified you as a candidate for union office. Section 401(e) of the LMRDA provides that "every member in good standing shall be eligible to be a candidate" for union office, subject to "reasonable qualifications uniformly imposed." It further requires that elections "be conducted in accordance with the constitution and bylaws" of the union, "insofar as they are not inconsistent with the provisions" of the LMRDA.

The Department investigation revealed that you were disqualified as a candidate because you failed to meet the union's continuous good standing requirement. Article 31(D) of the UBC Constitution requires that, in order to be eligible to run for union office, one must have been a member in good standing for twelve (12) consecutive months prior to nomination. The timely payment of dues is required to maintain good standing. A union's requirement of continuous good standing based on punctual payment of dues is a reasonable candidate qualification where (1) there is "a reasonable grace period during which members may make up missed payments without loss of eligibility for office," and (2) the period of good standing required is reasonable. 29 C.F.R. § 452.37(b).

In this case, the investigation disclosed that your working dues for the second quarter of 2014 were due on July 1, 2014, with a 45-day grace period until August 15, 2014. On an invoice dated July 25, 2014, the union gave you an additional 17 days, until September 1, 2014, to pay your working dues. Nevertheless, you failed to pay your second-quarter working dues until September 9, 2014. As a result, you were delinquent in the payment of your dues, and you did not meet the continuous good standing requirement to be eligible to run for union office. There was no violation.

Second, your complaint to the Department alleged that Local 45 failed to read the NYC District Council Inspector General's letter regarding your eligibility at the nomination meeting. This inaction, if true, would not violate the LMRDA or the UBC Constitution.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA. The office has closed the file in this matter.

Sincerely,

Sharon Hanley  
Chief, Division of Enforcement

cc: Douglas J. McCarron, General President  
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