

U.S. Department of Labor

Employment Standards Administration
Office of Labor-Management Standards
Washington, DC 20210



May 14, 2009



Dear Ms. Truran:

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 Communications Workers of America (CWA), over Local 755, Dayton, Ohio.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. 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,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Employment Standards Administration
Office of Labor-Management Standards
Washington, DC 20210



May 14, 2009



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 Communications Workers of America (CWA), over Local 755, Dayton, Ohio.

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Cynthia M. Downing
Chief, Division of Enforcement

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Washington, DC 20210



May 14, 2009

Mr. Lawrence R. Cohen, President
Communications Workers of America (CWA)
501 3rd Street, N.W.
Washington, D.C. 20001

Dear Mr. Cohen:

This is to advise you of the disposition of complaints filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), occurred with respect to the allegation of a trusteeship being imposed by the CWA over Local 755, Dayton, Ohio.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. 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,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure

Statement of Reasons
Dismissing a Complaint
Concerning the Imposition of a Trusteeship
Over Local 755 of the International Union of Electronic,
Electrical, Salaried, Machine and Furniture Workers - Communication
Workers of America, AFL-CIO (IUE-CWA)
In Dayton, Ohio

Members in good standing of the IUE-CWA Local 84755 ("Local 755") filed a complaint with the United States Department of Labor (the "Department") on September 8, 2008, alleging that IUE-CWA violated Title III of the Labor-Management Reporting and Disclosure Act of 1959 (the "Act"), 29 U.S.C. § 401, et seq., by unjustifiably maintaining a trusteeship upon Local 755. For the following reasons, the complaint is dismissed.

Complainants alleged that the original reason for the trusteeship, lack of leadership, had been resolved in November 2007 when Local 755 merged with Local 797 and acquired the latter's officers and that as of the date of their complaint to the Department, the 18-month presumption of validity for the trusteeship had expired.

The Department's investigation revealed that the IUE-CWA placed Local 755 in trusteeship in November 2006 at the request of Local 755 officers who were retiring. However, the investigation further revealed that on November 12, 2008, IUE-CWA held an election for Local 755 in which new officers were elected to bring Local 755 out of trusteeship. IUE-CWA filed a form LM-16 with the Department showing the trusteeship was terminated on January 5, 2009. The investigation did not reveal any continuation of IUE-CWA control or supervision of Local 755 beyond this point.

Thus, even if the IUE-CWA's actions regarding the imposition and continuation of trusteeship were improper, such trusteeship has been lifted, and the complainants' claim is moot. *See, Walker v. Grand Lodge, American Railway Supervisors Assn*, 93 Lab. Cas. ¶13,395 (1981), citing, *Vars v. Int'l Bhd. of Boilermakers*, 320 F.2d 576, 577 (2d Cir. 1963) (A claim alleging improper imposition of a trusteeship becomes moot when the trusteeship has been lifted). As it does not appear that there currently exists a trusteeship covered by Title III of the Act, we are closing our file on this matter.