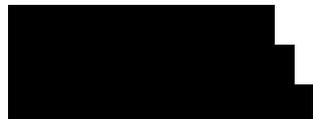




August 2, 2010



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint that you filed with the United States Department of Labor ("Department") on April 8, 2010, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 ("the Act"), as amended 29 U.S.C. §§ 481-484, occurred in connection with the re-run of the regular triennial officer election for Local Lodge 837A ("the Local"), International Association of Machinists and Aerospace Workers ("IAM"), completed on May 8, 2010.

The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded that no violation occurred.

In your complaint, you allege that the IAM International President improperly ordered a rerun of the Local's regular election held on December 12, 2009.

Section 402(a) of the Act, 29 U.S.C. § 482(a), requires that a union member exhaust internal union remedies before filing a complaint with the Secretary of a violation of the Act. This requirement was included in the Act to give unions a chance to correct election problems and deficiencies themselves, thereby preserving a maximum amount of independence and encouraging responsible self-governance. In furtherance of this legislative objective, the Secretary accords a certain degree of deference to a union's decision to hold a new election in response to internal union election protests. Particularly, the Secretary will not seek to reverse a union's remedial decision to hold a new election, even if the Secretary views the evidence as insufficient to sue to overturn the original election. The Secretary will only sue to overturn a union's remedial decision to hold a new election if it is apparent that the decision was based on the application of a rule that violates the Act, the decision was made in bad faith (for instance, in order to afford losing candidates a second opportunity to win), or the

decision is unreasonable or otherwise contrary to principles of union democracy embodied in the Act.

In this case, the Local's Bylaws, Article VI, Section 2, states that "[e]ach official ballot stub must contain a number; however, the ballot will not be numbered in order to assure a secret ballot." A prime requisite of elections regulated by the Act is that they be held by secret ballot. *See* 29 U.S.C. § 402(k); 29 C.F.R. § 452.97. The Department's investigation revealed that the election ballots and stubs bore corresponding identification numbers, allowing the voter to be identified and matched with his or her vote in violation of the secret ballot requirement of the Local's Bylaws and the Act. Further, the investigation found that eight members protested this issue. The IAM, therefore, had a reasonable basis for concluding that violations of the Act and the Local's Bylaws had occurred and was reasonable in ordering a rerun of the election as the appropriate remedy.

For the reasons set forth above, the Department has concluded that there was no violation of the Act by the IAM President ordering a new election, and I have closed the file in this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Mr. Bill Brock, President
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