



September 21, 2011

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint received by the Department of Labor on April 27, 2011, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), 29 U.S.C. §§ 481 - 484, occurred in connection with the election of officers in Professional Musicians, Local 47, conducted by on-site polling on December 14, 2010.

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

You alleged that the local improperly disqualified you from holding office based on its finding that you were not in continuous good standing. You believe that your three payments, each for \$100, made in 2010 on August 10, September 14 and 28, 2010 should have been applied to your membership dues rather than your working dues to prevent a loss of good standing and suspension from membership and would have been so applied but for the confusion among the staff of the local's membership department. Specifically, you alleged that the local failed to comply with its past practice of applying non-designated dues to membership dues to avoid any member's suspension.

Eligibility to run for and hold office is set forth in Article IX, section 2 of the Local Bylaws, which provides, in relevant part, that a member must have been in continuous good standing throughout the year immediately preceding nominations. Per Article IV, section 3 of the Local Bylaws, members have the option of paying membership dues on an annual (\$200) or semi-annual basis.

The investigation disclosed that you chose the option of paying semi-annual membership dues. When that option is selected, dues are due and payable in January and July of each year, in installments of \$100. Per Article IV, section 5, Local Bylaws, the local provides a 90-day grace period, so that, for example, the July 1st deadline is extended to September 30. A member failing to pay membership dues for any semi-

annual period within the grace period shall be automatically suspended of all rights and privileges of membership, and shall be automatically expelled from membership. See, Article IV, sections 5 and 6, Local Bylaws.

The investigation disclosed that you chose the option of paying semi-annual membership dues. You paid your January 2010 dues, but failed to pay your July 2010 installment of \$100 and you were suspended on September 30, 2010, for failure to pay your semi-annual dues. Moreover, the investigation disclosed that the local mailed and that you received four delinquency notices dated June 2, July 5, August 2, and September 3, 2010, reminding you of the amount due for your semi-annual membership dues payment. The notices stated the date by which payment must be received and that the penalty of suspension would be imposed for failure to pay. You had sufficient notice as of the September 3rd delinquency notice to inquire about making a membership dues payment on or before September 30, 2010.

A review of your continuous good standing status from the September 15, 2010 nominations deadline to the post election period shows the following. You were in continuous good standing as of the September 15, 2010 nominations deadline, since the 90-day grace period had not yet expired; consequently, your name properly appeared on the ballot, and you won re-election for one of six Director offices. However, your name appeared in the November 2010 issue of the local's publication, under a list of suspended members. The union correctly determined that you were not in good standing and ineligible to hold office. There was no violation.

For the reasons set forth above, it is concluded that your complaint to the Department with regard to the above allegation is dismissed, and I have closed the file in this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

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