



January 22, 2016



Dear [REDACTED]:

This Statement of Reasons responds to your complaint received by the United States Department of Labor on February 17, 2015, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred in connection with the election of officers in Local 631 of the International Brotherhood of Teamsters that concluded on December 14, 2014.

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

Specifically, you allege that you were improperly ruled ineligible to run for secretary-treasurer in the December 2014 election. In denying your eligibility, the union relied on Article II, Section 4(a)(1) of the Teamsters International Constitution and Section 16(C)(2) of the Local 631 Bylaws, which both state that:

to be eligible for election to any office in a Local Union, a member must be in continuous good standing . . . and actively employed at the craft within the jurisdiction of such Local Union, for a period of twenty-four (24) consecutive months prior to the month of nomination for said office.

Both provisions further state that:

periods of unemployment during the twenty-four (24) month period preceding the nomination shall not be considered a break in active employment at the craft within the jurisdiction of the Local Union if the nominee was actively seeking and available for employment in the craft, and not working outside the craft during such periods of unemployment.

In examining your eligibility to run for Local 631 office, the union found that you had taken a leave of absence from your employer, Nevada Ready Mix, which holds a contract with Local 631. It further found that, during this leave of absence, you held employment outside of the jurisdiction of the local. The union therefore determined

that you had failed to meet the requirement of being actively employed in a craft within the jurisdiction of the local for the prescribed period prior to nominations.

Pursuant to the LMRDA and its implementing regulations, labor organizations may have a legitimate institutional interest in prescribing minimum standards for candidacy and office holding in the organization. 29 C.F.R. § 452.35. Also pursuant to the Department's regulations, it is ordinarily considered reasonable for a union to require candidates to be employed at the trade or even to have been so employed for a reasonable period. 29 C.F.R. § 452.41(a).

The Department's investigation confirmed that you voluntarily took a leave of absence from employment with Nevada Ready Mix beginning on May 5, 2014. You admitted that, from approximately May 2014 through August 2014, you worked for a non-union employer in North Dakota and that you were not employed at a craft within the jurisdiction of Local 631. You were not actively seeking work within the craft during this time, as shown by the fact that you did not sign the local union's out-of-work list. The union considered these actions as failing to satisfy the candidate eligibility requirement at Article II, Section 4(a)(1) of the International Constitution and Section 16(c)(2) of the Local 631 Bylaws that required nominees to be actively employed at the craft for 24 consecutive months prior to the month of nominations (i.e., November 2014). Based on this information, the Department has determined that the union correctly determined that you did not meet the requirement for continuous employment at the trade and were properly excluded from the ballot in the December 2014 election.

Accordingly, the Department has concluded that no violation of the Act has occurred and the office has closed the file on this matter.

Sincerely,

Sharon Hanley, Chief
Division of Enforcement

cc: James P. Hoffa, General President
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