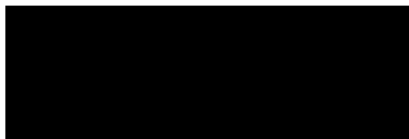




March 24, 2017



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint to the Department of Labor, that was received November 22, 2016, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred in the August 9, 2016 election of Livonia District Vice President, an officer position in Local 105 (local or Local 105) of the Utility Workers Union of America (National).

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

You alleged that one of the three candidates for Livonia District Vice President, [REDACTED], was ineligible to run for office because he was not in good standing for one year prior to the July 12, 2016 nominations. Section 401(e) of the LMRDA provides, in relevant part, that every member in good standing shall have the right to be a candidate and hold office. Article 9, section 4 of the Local 105 Constitution defines a member in good standing as one who is current in dues payments. Article VI, section 7 of the National Constitution considers members delinquent and, therefore, not in good standing when their dues are in arrears for three months or more.

The investigation disclosed that [REDACTED], a candidate for Livonia District Vice President, was in a non-work status and on Worker's Compensation leave in December 2015. The president of the Michigan State Utility Workers Council (State Council) advised that, in practice, they considered a member on Worker's Compensation to be in good standing if the member could eventually return to work and repay any back dues owed. Dues were deducted for the first two or three weeks that [REDACTED] was on Worker's Compensation leave. Thereafter, [REDACTED] tried to pay dues directly to the union, but the State Council refused to accept direct payment. Instead, the State Council entered into an arrangement with [REDACTED] for the payment of his dues and the maintenance of his good standing. Local records show that Local 105 and the State Council issued [REDACTED] a promissory note that paid all back dues that he owed while on Worker's Compensation

in return for [REDACTED] agreeing to accelerated dues deductions upon his return to work. The investigation revealed that you were the Local 105 president at the time the promissory note to [REDACTED] was issued. Based on the promissory note arrangement, the State Council paid all dues that [REDACTED] owed on June 29, 2016, prior to the July 12, 2016 nominations meeting.

The investigation determined that the local and State Council's action with respect to [REDACTED] dues payment arrangement was not inconsistent with provisions of the constitution and bylaws. The investigation revealed that the State Council amended its constitution in January 2016 to allow members on unpaid leave or layoff, as a result of contractual language permitting such leave or layoff, to retain their good standing status. Under the amendment, which was approved by the National, members are responsible for any dues due during the leave period, and the union is to provide an amount of time equal to such leave for the member to re-pay any outstanding dues under an accelerated dues deduction plan. Article XIV, section 4, State Council Constitution. The State Council issued promissory notes to members who owed dues while on such leave, requiring those members to authorize dues deductions at twice the regular amount when they returned from leave, until all owed dues were fully repaid.

The State Council, acting consistently with related provisions of its constitution, issued a promissory note to [REDACTED]. The State Council then paid dues on behalf of [REDACTED], as per the terms of the promissory note. Finding [REDACTED] was in good standing is not unreasonable under these circumstances, especially in light of the fact that [REDACTED] attempt to pay dues directly to the union in order to maintain good standing was rejected. Cf. 29 C.F.R. § 452.86 (where a member is laid off but desires to maintain good standing and membership rights by continuing to pay dues, it would be clearly unreasonable for the union to refuse to accept his or her dues). Accordingly, [REDACTED] was a member in good standing at the time of nominations, as all his dues were paid in full by that date, and the local properly permitted him to run for office. There was no violation.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred. Accordingly, the office has closed the file in this matter.

Sincerely,

[REDACTED]

[REDACTED]

Chief, Division of Enforcement

cc: Michael Langford, National President  
Utility Workers of America  
815 16<sup>th</sup> Street N.W.  
Washington, DC 20006

Tim Gohr, President  
UWUA Local 105  
18 West Huron Street, Suite 8  
Pontiac, MI 48342

Beverly Dankowitz, Associate Solicitor  
Civil Rights and Labor-Management