

Statement of Reasons  
Dismissing Complaints  
Concerning the Validity of a Trusteeship  
Over Plasterers & Cement Masons Local 109, AFL-CIO  
in Akron, Ohio

Two members in good standing of the Plasterers and Cement Masons Local 109, AFL-CIO (“Local 109” or “the Local”) filed complaints with the United States Department of Labor (“Department”) on December 15, 2008, alleging that the Plasterers and Cement Masons International Union (“International”) violated Title III of the Labor-Management Reporting and Disclosure Act of 1959 (“LMRDA” or “the Act”), 29 U.S.C. § 401, et seq., by unjustifiably imposing a trusteeship upon Local 109 for a period of longer than 18 months. As detailed more fully below, the Department found that the International’s actions were in violation of the LMRDA, but the International has since remedied the violation by holding an election of officers for Local 109. Thus, the Department will not pursue an action against the International in this matter.

Title III of the LMRDA permits parent labor organizations to impose a trusteeship on subordinate bodies for the purposes of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of such labor organization. 29 U.S.C. § 462. A trusteeship established by a parent body in conformity with the procedural requirements of its constitution and bylaws is presumed valid for eighteen months from the date of its establishment. 29 U.S.C. § 464(c). Following this eighteen month period, the trusteeship is presumed invalid and it shall be discontinued unless the union can show “clear and convincing proof that the continuation is necessary for a purpose allowable under Section 302.” *Id.*

In this matter, the International placed Local 109 under an emergency trusteeship on May 23, 2007. On July 31, 2007, the General President of the International placed Local 109 under full trusteeship, citing the need to address Local 109’s financial malpractice, assuring performance of collective bargaining agreements, and restoring democratic procedures to the Local. The operative date for the beginning of the trusteeship was therefore May 23, 2007, the date the emergency trusteeship began. Thus, per the LMRDA, the trusteeship was presumed invalid as of November 27, 2008, unless the union provided clear and convincing proof that continuation was necessary for a purpose allowable by the Act.

Complainants filed their complaint with the Department on December 19, 2008, alleging that the trusteeship had lasted longer than eighteen months and thus was no longer valid. The Department conducted an investigation of the allegations. The investigation confirmed that Local 109 was in trusteeship beyond the eighteen month time period set forth in the LMRDA. The International’s position was that Local 109 was not ready to

come out of trusteeship because (a) the Local was being sued by former Business Manager [REDACTED]; (b) the Department had not yet concluded its criminal investigation of the Local; and (c) the Local had “too many things going on” for a newly-elected officer to handle. The Department concluded that these reasons did not establish clear and convincing proof that continuation of the trusteeship was necessary for the purposes allowable by Section 302 of the LMRDA.

The Department sent a demand letter to the International dated March 17, 2009, in which it notified the International of its conclusions and offered the International an opportunity to come into voluntary compliance prior to the Department filing suit in federal court. The International agreed to hold a new election of officers for Local 109 by June 2009. Upon further investigation, the Department found that this election took place on June 20, 2009, and that these officers were installed on July 1, 2009.

Accordingly, because the International has remedied the violation found by the Department during its investigation, we are closing the file on this matter.