



June 10, 2021



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint filed with the Department of Labor on November 16, 2020, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the election of officers that was conducted by Local Union 2250 of the United Auto Workers (UAW) (Union or Local 2250) on August 11-12, 2020.

Accordingly, the Department of Labor conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to each of your allegations, that no violation occurred that may have affected the outcome of the election.

You alleged that the Union improperly held an election for Leadec/MPS Chairperson over a year early and improperly determined you were ineligible to hold that position. Section 401(b) of the Act provides that local unions must elect their officers “not less often than once every three years[.]” 29 U.S.C. § 481(b). Pursuant to Section 401(e) of the LMRDA, every member in good standing is eligible to be a candidate and to hold office subject to reasonable qualifications uniformly imposed. 29 U.S.C. § 481(e). The investigation revealed that the Leadec/MPS Chairperson¹ was a vacant position that you held after an interim appointment in February of 2019. On June 17, 2020, Local 2250’s membership voted to have the next election for Leadec/MPS Chairperson in August 2020 at the same time as its regular election for other union offices.

Thereafter, the Union notified the membership of the nomination process by posting a combined nominations/election notice on the Union’s Facebook page, posting on the Union’s website, posting on Union bulletin boards at the worksite, and mailing it to

¹ Although you also alleged that you were improperly ruled ineligible to hold office as the Leadec/MPS First Shift Alternate Committeeman—the position you were previously elected to—that position is not a covered “officer” position as defined by Section 3(n) of the LMRDA because it does not serve executive functions and is not a constitutional officer or executive board member. *See* 29 U.S.C. § 402(n).

members. The nomination notice listed all positions up for election, including the Leadec/MPS Chairperson. The first paragraph of the notice stated that: "all permanent members in continuous good standing for one (1) year are automatically nominated." It also provided: "Members accepting nomination can do so at the Union Hall on July 6, 7, 8, & 9, 2020 . . . and on July 10, 2020 . . . or by registered mail addressed to the Election Committee Chairman[.]"

On June 19, 2020, after you saw on Facebook that the Leadec/MPS Chairperson position would be on the ballot, you sent a text message to then-International Union Representative [REDACTED] that said "I hear my committee seat is on the election ballot." However, you did not accept a nomination by mail or in-person at the Union Hall by the July 10, 2020 deadline. The investigation did not disclose any evidence that the Union prohibited you from accepting a nomination or that it denied your acceptance of a nomination. Thus, you were not improperly ruled ineligible for candidacy. Moreover, nothing in the Act or the Union's constitution and bylaws prohibits the Union from changing the term of a local union office so long as elections are held at least every three years. There was no violation of the Act.

Finally, you raised allegations in your complaint that had not been properly raised in your protest to the union. Section 402(a) of the LMRDA requires that a member exhaust the remedies available under the union's constitution and bylaws before filing a complaint with the Secretary of Labor. 29 U.S.C. § 481(a). These allegations were not properly exhausted and therefore are not addressed herein.

As a result of the investigation, the Department has concluded that there was no violation of the Act affecting the outcome of the election in connection with your allegations that were properly filed and exhausted. Accordingly, I have closed the file on this matter.

Sincerely,

[REDACTED]

Tracy L. Shanker
Chief, Division of Enforcement

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