



July 26, 2021



Dear [REDACTED]:

This Statement of Reasons is in response to your October 28, 2019, complaint filed with the United States Department of Labor (Department) 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 held by Local 135 (Local 135 or the union) of the International Brotherhood of Teamsters (IBT), on October 8, 2019.

The Department conducted an investigation of your allegation. You alleged that the union's decision that your slate was ineligible to run in the October 8, 2019 election violated the LMRDA. Specifically, you alleged that the union failed to conduct the nominations meeting properly because it did not follow the IBT's Guidelines For Conducting Local Union Elections. As a result of the investigation, the Department concluded that no violation of the LMRDA occurred. This conclusion is explained below.

Your allegation implicates Section 401(e) of the LMRDA, which provides that, in any election subject to Title IV, a reasonable opportunity shall be given for the nomination of candidates. 29 U.S.C. § 481(e). Under the Department's regulations, a union may employ any method of nomination of candidates that will provide a reasonable opportunity to make nominations. 29 C.F.R. § 452.57(a). Whether a union's nomination procedures satisfy the requirements of the Act depends on the particular facts of the case; application of a particular procedure in a given instance may make nomination so difficult as to deny the members a reasonable opportunity to nominate. 29 C.F.R. § 452.57(b).

The Department's investigation evaluated whether the nomination procedures utilized by Local 135 provided a reasonable opportunity to members to nominate candidates for office. The IBT Constitution states that a member's dues must be paid through the month prior to the month in which the nominations meeting is held in order to nominate or participate in the nominations meeting, Article XXII, Section 4(a), and, "[a]ny member failing to pay his dues [before the last business day of the month] shall not be in good standing for such month, but may restore such good standing for such month for the purpose of attending meetings, nominating, voting, and participating in

the affairs of the Local Union by the payment of his delinquent dues prior to said meeting.” Article X, Section 5(c). “Nominations must be made by a member in good standing and seconded by a member in good standing.” Article XXII, Section 4(a). Local 135’s bylaws contain similar provisions providing that members must be current in their dues to be in good standing so that members may nominate candidates and members may regain their good standing by paying all delinquent dues and other financial obligations. See Bylaws of Local No. 135, Sections 17(C)(1) and (2); Section 20(B)(2).

The investigation revealed that Local 135 held the nominations meeting for its regularly scheduled October 8, 2019, election on Sunday, September 1, 2019, at 10:00 a.m. Local 135 posted a combined nominations/election notice on the union bulletin boards at work sites at some point during the period of July 9 to July 11, 2019. This notice was also placed on Local 135’s website and included in the June 2019 issue of the union newsletter, which was mailed to every member on July 20, 2019. This notice explained that nominations and seconds were also permitted in writing to the secretary-treasurer by 5:00 p.m. on Friday, August 30, 2019.

In addition, this notice stated:

. . . Nominations shall be made by a member in good standing, other than the nominee, and nominations shall be seconded by a member in good standing, other than the nominee; . . . Prospective nominees are advised to verify, in advance of the Nomination Meeting, their own eligibility, as well as the eligibility of their respective nominators and seconders. To be eligible to nominate and otherwise participate in the Nomination Meeting, a member must have his or her dues paid up through the month prior to the month in which the Nomination Meeting is held, or otherwise be in good standing, in accordance with the Constitution. . . .

Under the IBT Constitution, as well as Local 135’s Bylaws, a member is entitled to request the status of their eligibility, *i.e.*, whether they were a member in good standing, by submitting a request to the secretary-treasurer. IBT Constitution, Article XXII, Section 4(a); Local 135 Bylaws, Section 17(F)(2). The secretary-treasurer is then required to provide a report on the eligibility of that member in response within five days. *Id.*

The Department’s investigation found that at the beginning of the nominations meeting, the election chairman called the meeting to order and stated that the meeting was for members in good standing only and that anyone not in good standing should leave. No one left the meeting. Nominations were taken from the floor for candidates for the offices of president, secretary-treasurer, vice president, recording secretary, and three trustees. The entire incumbent slate was nominated three times by three sets of nominators and seconders; your slate was nominated by member [REDACTED] and

seconded by member ██████████ prior to the incumbent slate's last set of nominations. Three days later, the election committee chairperson contacted you to notify you that your slate was disqualified because you slate's seconder ██████████ was not a member in good standing at the time of nominations. The investigation showed that the union's requirement that nominators and seconder be members in good standing was uniformly applied to all candidates and members.

The investigation revealed that the union provided members with specific, advanced notice of the requirements for candidate nominations. In particular, the Department found that you were aware of the requirements in the nominations notice that nominations had to be made and seconded by members in good standing. This nomination notice also provided members with the advice that nominees should check their own good standing status as well as that of their nominators and seconders. The Department found that you verified your own eligibility in July and August 2019, at the dues office, but did not check the eligibility of the members who would nominate and second the nomination of your candidacy. The Department found that members could verify their eligibility by making a formal request to the secretary-treasurer or by inquiring at the dues office. The evidence established that it was not burdensome for members to check their eligibility or that of other members. In addition, candidates and slates could be nominated and have those nominations seconded multiple times as you witnessed during the meeting.

According to the investigation, you asked ██████████ to be your seconder in the parking lot just prior to the nominations meeting and he told you that he was in good standing. However, ██████████ was in arrears in his dues payments. The evidence showed that, on April 10, 2019, ██████████ learned that he owed the union \$1,049 in delinquent dues. ██████████ paid the union \$150 per month, which included his monthly dues of \$54 and the remainder of \$96, which was applied to his delinquent dues. According to ██████████, even though he was still in arrears on his dues on the day of the nomination meeting, he believed that he was a member in good standing because he voted to approve a contractual provision and voted on a bylaw amendment in April 2019. However, ██████████ belief that he was in good standing was not reasonable because the union's advance and specific notice explained that good standing to nominate meant being current in one's dues, and he could have easily checked his standing.

As a related matter, you alleged that Local 135's decision to disqualify you was improper because the union did not follow the IBT's Guidelines For Conducting Local Union Elections. The investigation revealed that the IBT Guidelines state at Page 9, Paragraph 1: "[M]any Local Union Bylaws specify that the Warden and Conductor are responsible for ensuring that only members in good standing are admitted to meetings." Further, the union's bylaws state: "A Warden and a Conductor **may** be appointed by the Chair and may be removed by him/her. If appointed, the Warden shall have charge of the inner door and shall not admit any member who is not in good

standing.” Section 13(B). (Emphasis added). Neither the Guidelines nor the Bylaws require that a warden be appointed by Local 135 to check the eligibility of members entering the nominations meeting, and the evidence did not indicate that Local 135 had done this in the past. Accordingly, under these circumstances, the Department concludes that you and your slate were provided a reasonable opportunity to be nominated, and there was no violation.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA that may have affected the outcome of the election. Accordingly, the office has closed the file regarding this matter.

Sincerely,

A large black rectangular redaction box covers the signature area. A small blue mark is visible to the right of the box.

Tracy L. Shanker, Chief  
Division of Enforcement

cc: James P. Hoffa, General President  
International Brotherhood of Teamsters  
25 Louisiana Avenue, NW  
Washington, DC 20001

Danny Barton, President  
Teamsters Local 135

A black rectangular redaction box covers the contact information for Danny Barton.

David T. Vlink

A black rectangular redaction box covers the contact information for David T. Vlink.

Beverly Dankowitz, Associate Solicitor for Civil Rights and Labor-Management