

U.S. Department of Labor

Office of Labor-Management Standards
Suite N-5119
200 Constitution Ave., NW
Washington, D.C. 20210
(202) 693-0143



August 10, 2021

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to a complaint that was filed on April 13, 2020, with the Department of Labor (Department) alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 481-483, occurred in connection with the election of officers conducted by the International Association of Machinists (IAM), District Lodge 70, on May 23 and May 30, 2020.

The Department conducted an investigation of the complaint. As a result of the investigation, the Department has concluded, with respect to the allegations, that there was no violation of the LMRDA that may have affected the outcome of the election.

The complainant, who is now deceased, alleged that he was denied the right to be a candidate in the IAM District Lodge 70 officer election. Section 401(e) of the LMRDA, 29 U.S.C. § 481(e), provides that every member in good standing shall be eligible to be a candidate and to hold office. The complainant was nominated to be a candidate for President/Directing Business Representative, but was later disqualified. The complainant received a letter from the IAM Special Assistant to the General President, Andrew Buffenbarger, which informed him that because he had previously been found guilty of Article L violations of the IAM Constitution by an impartial trial in 2016, he was barred from holding office for a period of five years.

The complainant appealed this discipline to the IAM General President and then to the Executive Council, both of whom upheld the five-year bar. The complainant alleged that since he had an appeal pending before the 2020 IAM Grand Lodge Convention, which was not scheduled to convene until after the District Lodge 70 election, his punishment should be stayed until the outcome of the appeal was final and he should be allowed to run for office. The Department's investigation revealed that IAM's policy is that penalties for Article L violations are stayed until the Executive Council issues a decision, at which point, any upheld discipline takes effect.

The investigation revealed that it is IAM's policy that decisions of the Executive Council are binding during interim periods between conventions. IAM General Counsel Mark

Schneider confirmed this policy and stated that punishments for Article L violations are not stayed pending an appeal to the convention. The interpretation consistently placed on a union's constitution by the responsible union official or governing body will be accepted unless the interpretation is clearly unreasonable. 29 C.F.R. § 452.3.

Accordingly, the complainant's five-year bar from holding union office was not stayed. He was ineligible until 2021, unless the union's discipline violated the due process requirements of LMRDA Title I.

The Department examined the complainant's Article L conviction and bar against holding union office and determined that the complainant received due process during his Article L trial and that the punishment that he received was not unreasonable. As such, there was no violation of Title IV of the LMRDA when District Lodge 70 determined the complainant was disqualified from running for office based on that discipline.

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, and I have closed the file regarding this matter.

Sincerely,

A large black rectangular redaction box covering a signature, with a small blue horizontal arrow pointing to its right.

Tracy L. Shanker, Chief
Division of Enforcement

cc: Robert Martinez Jr., International President
International Association of Machinists and Aerospace Workers
9000 Machinists Place
Upper Marlboro, MD 20772

, Associate Solicitor
Civil Rights and Labor-Management Division