



November 3, 2021



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on April 6, 2021, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act ("LMRDA" or "Act"), 29 U.S.C. §§ 481-483, as made applicable to elections of federal sector unions by 29 C.F.R. § 458.29 and the Civil Service Reform Act of 1978 ("CSRA"), occurred in connection with the election of union officers completed by the Baltimore Area Metal Trades Council (BAMTC), a CSRA-covered intermediate labor organization, on January 12, 2021. The BAMTC election was by vote of delegates from its constituent local unions.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to the specific allegations, that there was no violation of the LMRDA that may have affected the outcome of the election. Following is an explanation of this conclusion.

You alleged that delegates to the BAMTC from multiple locals violated the Metal Trades Department (MTD) Constitution and Bylaws and the BAMTC Bylaws when they failed to cast their ballots based on the will of the majority of members from their constituent local unions. Regarding intermediate body elections, section 401(f) of the Act, 29 U.S.C. § 481(f), states that when officers are chosen by a convention of delegates, the convention shall be conducted in accordance with the labor organization's constitution and bylaws. The Department will accept the interpretation consistently placed on a union's constitution by the responsible union official or governing body unless the interpretation is clearly unreasonable. 29 C.F.R. § 453.3. You alleged that the following oath in the BAMTC Bylaws required delegates to the BAMTC to vote for BAMTC officers approved by a majority of members of their constituent local unions:

DELEGATES['] OBLIGATION

"Do you, each of you, solemnly promise on your honor that you will conform to and obey the laws and regulations of the Metal Trades Department of the American Federation of Labor and Congress of Industrial Organizations and

of the Baltimore Area Metal Trades Council; that you will be faithful in attendance at all regular and special meetings of the Council; that you will at all times strive to maintain a mutual and lasting peace between affiliated metal trades; *that you will abide by the will of the majority*; and that you will make an impartial and unprejudiced reports of all conditions affecting the well-being of the Council and your fellow delegates?"

Response: I do

BAMTC Bylaws, p. 3 (emphasis added); *see also* MTD Constitution and By-Laws, dated 2016, p. 38 (nearly identical oath). You asserted that, in the past, this oath was fulfilled when each local conducted a vote to choose for which BAMTC nominees their delegates should vote. Accordingly, you believed that the delegates from each local in the January 2021 election were required to vote the will of their local union memberships after an appropriate poll of those memberships. The bylaws of the relevant constituent locals are silent on delegates voting the will of their memberships in the BAMTC officer election.

The investigation revealed that there was an election for BAMTC President on December 8, 2020, which resulted in a tie. You allege that on December 16, 2020, the BAMTC conducted a runoff election. The union did not view the events of December 16 as a valid election, however, due to issues not raised in your complaint to the Department. The final election was conducted on January 21, 2021, with delegates from four out of five eligible locals participating.

In preparation for the election, some locals polled their members, and some did not. For example, IBEW Local 1383 did poll its members, the majority of whom voiced support for your candidacy. On the other hand, Painters Local 1 and Plumbers Local 486 did not poll their memberships for their choices of candidates. On January 12, 2021, the BAMTC conducted its final election via Zoom and four delegates cast votes on behalf of their locals. Delegates ██████████ (Boilermakers Local 608), ██████████ (IBEW Local 1383), ██████████ (Painters Local 1), and ██████████ (Plumbers Local 486) voted their conscience rather than basing their votes exclusively on the majority will of their locals. Your opponent, Walter Brooks, won the January 12, 2021 election as he received all eight votes.

The investigation revealed that the Metal Trades Department does not share your view of the "Delegates' Obligation" in the MTD and BAMTC governing documents. Instead, according to the MTD President, a delegate's obligation to "abide by the will of the majority" refers to a majority of the votes cast by the delegate body of the BAMTC, and not to a majority of the will of the bargaining unit employees who are members of the

BAMTC's constituent local unions in the BAMTC election of officers. This interpretation is reasonable. There was no violation.

You also raised allegations regarding the delegates who participated in the January 12, 2021 election; however, these allegations were not properly raised in your protest to the union. Under the CSRA's standards of conduct for labor organizations, a member must first exhaust the remedies available under the union's constitution and bylaws before filing a complaint with the Secretary of Labor. 29 C.F.R. § 458.63(a). These allegations were not properly exhausted and therefore are not addressed herein.

For the reasons set forth above, the Department has concluded that there was no violation of the LMRDA that may have affected the outcome of the election. Accordingly, the office has dismissed your complaint and closed its file in this matter. You may obtain a review of this dismissal by filing a request for review with the Director of OLMS within 15 days of service of this notice of dismissal. The request for review must contain a complete statement of facts and the reasons upon which your request is based. See 29 C.F.R. § 458.64(c).

Sincerely,

[REDACTED]

[REDACTED]

Chief, Division of Enforcement

cc: James Hart, President
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[REDACTED], Associate Solicitor
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