

**U.S. Department of Labor**

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



November 3, 2021



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the United States Department of Labor (Department) on November 13, 2020. The complaint alleged that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 ("LMRDA" or "Act"), occurred in connection with the election of officers, conducted by the United Automobile, Aerospace and Agricultural Implement Workers of America ("UAW"), Local 598 ("Local 598" or "union"), which was completed on July 15, 2020.

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.

You alleged that in June 2020, the three-year terms of office for Local 598 officers expired and that there were no provisions in the UAW Constitution that allowed waiving the three-year term limits. Section 401(b) of the LMRDA provides that every local union must elect its officers no less than once every three years by secret ballot among the members in good standing. 29 U.S.C. § 481(b).

A review of Local 598's meeting minutes confirmed that its previous election was completed with the installment of officers on May 21, 2017. For the 2020 election cycle, Local 598's records indicated that all but two of its LMRDA covered offices were elected by acclamation during the April 14 through 16, 2020 nominations period. The Department's investigation found that Local 598's election for the two remaining offices was postponed due to the ongoing COVID-19 pandemic. In April, Local 598's executive board voted to postpone the election because of safety concerns related to the pandemic. Simultaneously, the employer, General Motors, announced the closure of the Flint assembly plant, rendering the union's four polling sites unavailable. Local 598 determined that the union hall could not safely accommodate 5,000 or more voters during the pandemic. The union suspended membership meetings and the postponement of the election was announced to the membership in Local 598's April 2020 newsletter. Based on

Michigan's pandemic public safety policies and the General Motors' schedule for reopening the Flint assembly plant, Local 598 determined that July was the earliest possible time for holding the election. On June 24, 2020, Local 598 mailed the membership its June newsletter, containing an updated notice of election for the remaining contested positions. The remaining covered offices (three trustees and the Aramark Unit Chair) were elected during the July 14 and 15, 2020 election. Even though Local 598's failure to hold an election within the three-year statutory timeframe constituted a violation of the LMRDA, that violation was adequately remedied prior to a complaint being filed with the Secretary of Labor. There was no evidence that holding the election for the contested positions in July instead of May had any effect on the outcome of those positions or that the July election did not adequately remedy this issue.

You alleged that Local 598 should have conducted new nominations after "cancelling" its May election of officers. Specifically, you alleged that: 1) the president and election committee did not have the authority to reschedule the election without the membership's approval; 2) nominations made and accepted between April 14 through 16, 2020 were specific to the May election and could not be used for any other election; 3) the election committee improperly announced the election locations, times, and date as "TBD"; and 4) the nominations did not conform to the UAW Constitution and the union did not provide proper notice of nominations. Section 401(e) of the Act provides that the election be conducted in accordance with the constitution and bylaws of the organization insofar as they are not inconsistent with other provisions of the Act. 29 U.S.C. § 481(e). Section 401(e) further requires that members be given a reasonable opportunity to nominate candidates. The Act, however, does not prescribe particular procedures for the nomination of candidates, and unions may use any method that provides a reasonable opportunity for making nominations. Timely publication in the union newspaper with sufficient prominence to be seen by all members would be adequate notice. *See* 29 C.F.R. § 452.56.

The Department's investigation showed that the union properly notified the membership of nominations and the election in March 2020. On March 17, 2020, Local 598 posted on its bulletin boards the combined nominations/election notice. On or about March 26, 2020, the union mailed the nominations/election notice to the entire membership in its March 2020 newsletter (*Eye Opener*), which is consistent with the union's past practice. A review of the notice showed that nominations/election information was prominently featured in the newsletter and was located on pages 1 and 7. In addition, on or about April 3, 2020, the union posted the notice on its website. According to the notice, nominations could be accepted in person at the union hall or by registered mail from 6:00 a.m. on April 14, 2020 until 4:00 p.m. on April 16, 2020. When interviewed, you admitted that you received the March 2020 newsletter, which contained the nomination and election information, but that you were unaware of the nominations process because you failed to read the newsletter. The Department also interviewed other members you identified as having wanted to run if they had been aware of the April nominations. However, when interviewed, those members stated that they declined to run for office for various reasons or also did not read

the newsletter containing the nominations/election notice. Accordingly, the union complied with its nominations notice requirements.

As stated above, approximately a week after the nominations/election notice was mailed in March, union members were laid off and the General Motors facility had closed due to the pandemic. In response, the union postponed the scheduled May 2020 election to July 2020. The UAW Constitution and Local 598 Bylaws provide that the local union executive board is allowed to establish the date of an election in "unusual circumstances" when it is unable to secure a general membership meeting quorum. UAW Const. Art. 38, Sec. 10(d)(1); Local 598 Bylaws Art. 10, Sec. 3. Here, the executive board was permitted to establish a new date for the election because the pandemic created an unusual circumstance and the union was unable to secure a general membership quorum. The union rescheduled the general election for July 2020 because it was the earliest possible time to hold the election after Michigan's executive orders relaxed social distancing restrictions, and General Motors allowed on-site polling, as long as participants wore face masks and had completed COVID-19 screenings. On June 24, 2020, Local 598 mailed a new notice of election to the membership as part of its June 2020 newsletter. Because the election was postponed and not cancelled, the nominations received in April were still valid. The temporary postponement of the election did not void the nominations already in place. 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 in this matter.

Sincerely,

  
  
Chief, Division of Enforcement

cc: Ray Curry, International President  
United Auto Workers, AFL-CIO  
8000 E. Jefferson Avenue  
Detroit, MI 48214

Ryan Buchalski, President  
UAW Local 598  
G-3293 Van Slyke Road  
Flint, MI 48507