



November 2, 2022

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed 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 Longshoremen's Association (ILA), Local 1475, Savannah, Georgia, on December 9, 2020. The Department conducted an investigation of your allegation and has concluded, with respect to this allegation, that there was no violation of the LMRDA.

You alleged that ILA Local 1475 improperly allowed your opponent, [REDACTED], to run for two offices, in violation of the ILA Constitution and ILA Local 1475 Bylaws. You were a candidate for the office of Seniority Board Representative, but lost to your opponent [REDACTED], who was also elected to the ILA 1475 Executive Board. You further alleged that ILA Local 1475 governing documents prohibit a member from serving simultaneously as an officer and as a Seniority Board Representative.

Section 401(e) of the LMRDA provides that in any election required by this section, to be held by secret ballot, shall be conducted in accordance with the constitution and bylaws of such organization insofar as they are not inconsistent with the provisions of Title IV of the LMRDA. 29 U.S.C. § 481(e). The Department's investigation revealed that both the ILA Local 1475 Bylaws and ILA Constitution explicitly allow members to hold the offices of Executive Board and Seniority Board Representative simultaneously.

The Department's investigation established that the ILA Constitution does not prohibit a member from holding two offices. The ILA Constitution lists all the offices as follows: president, vice-president, recording secretary, financial secretary or treasurer, five executive board members, and three audit committee members. With regard to holding two of those offices simultaneously, the Department's investigation revealed that the ILA Constitution, Article XIII, Section 6, provides that the "same individual may hold more than one office in a local union except that the offices of President and Treasurer (or Financial Secretary in lieu of Treasurer) shall not be held by the same individual." However, Local 1475 Bylaws, Article V, Section 3, states that a Seniority Board Representative shall be elected by the members, even though Article V, Section 5

declares that the Seniority Board Representative and other officials are not to be considered officers of Local 1475.

The Department's investigation revealed conflicting statements as to whether a member is allowed to serve as a Seniority Board Representative and hold another office. But, Local 1475's Bylaws do not prevent a member from being on the executive board and simultaneously serving as the seniority board representative. And the Department's investigation found that Local 1475's past practice has not required a member to make a choice between the two positions if the member were elected to both.

To support your allegation, you relied on a provision in Local 1475's collective bargaining agreement (CBA), not ILA Constitution or Local 1475's Bylaws. The CBA states that the seniority board will be composed of the president and one "rank and file member." However, the term "rank and file member" is not defined in Local 1475's Collective Bargaining Agreement or in the union's governing documents. According to multiple members and current and former officers interviewed by the Department, an officer may be a "rank and file member" and serve as the Seniority Board Representative. After careful consideration of all the evidence, the Department has concluded that allowing an officer to simultaneously serve as the Seniority Board Representative does not violate the ILA's constitution or Local 1475's Bylaws. Accordingly, there was no violation of Title IV of the LMRDA.

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 the signature of Tracy L. Shanker.

Tracy L. Shanker  
Chief, Division of Enforcement

cc: Harold J. Daggett, International President  
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