



December 20, 2022



Dear [REDACTED]:

This Statement of Reasons is in response to a complaint received by the Department of Labor on October 13, 2021, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the election of officers for Local 1575 (Local), Amalgamated Transit Union (ATU, or International), conducted on June 16, 2021, and concluded by runoff election on June 30, 2021.

The Department of Labor conducted an investigation of your allegation. As a result of the investigation, the Department concluded that there was no violation that may have affected the outcome of the election.

You alleged that the number of votes cast for president far exceeded the number of votes cast for chief shop steward. Section 401(e) provides in relevant part, that the votes cast by a member of a union shall be counted. 29 U.S.C. § 481(e). That provision also provides that unions conduct their elections in accordance with their constitution and bylaws. 29 U.S.C. § 481(e). Section 21.13 of the International Constitution provides that “[m]embers retiring on pension from the active service and who continue in good standing will be entitled to the following rights and benefits: They will have a voice but no vote on any matters affecting the [local union (LU)], except that they shall be permitted to vote in the election of all LU officers and delegates to Conventions elected by the entire membership of the LU, but not in the election of any other officers and delegates.”

The investigation disclosed that 330 votes were cast for president while 137 votes were cast for chief shop steward in the June 16, 2021 election, with 163 retirees voting in the election. The investigation disclosed you specifically stated you did not contest the accuracy of the ballot tally. The discrepancy between the number of votes cast for each of these positions may be attributable to two factors. First, Local 1575 has more retiree members than active members. Second, Section 21.13 permits retirees to vote for Local officers – such as president – but not chief stewards. Given that the number of retirees

far exceeds the number of active members, and there was no evidence of ballot tampering, it was not problematic that more votes were cast for Local president than for chief shop steward. There was no violation.

For the reasons set forth above, your administrative complaint to the Department is dismissed, and I have closed the file in this matter.

Sincerely,


A large black rectangular redaction box covering the signature of Tracy L. Shanker.

Tracy L. Shanker
Chief, Division of Enforcement

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