



LMRDA Election Investigation Profile

The Office of Labor-Management Standards (OLMS) is part of the U.S. Department of Labor. OLMS has the primary responsibility for administering and enforcing most provisions of the Labor-Management Reporting and Disclosure Act (LMRDA). The LMRDA was enacted by Congress to ensure basic standards of democracy and fiscal responsibility in unions representing employees in the private sector. Title IV of the LMRDA establishes basic standards that unions must follow when electing their officers. In addition to other responsibilities, OLMS investigates complaints about union officer elections to determine whether they were conducted in accordance with LMRDA Title IV.

Here are the stages in an OLMS election investigation:

Receipt of Complaint

OLMS conducts investigations of regularly scheduled union officer elections only upon receipt of a complaint from a member protesting an election. Before filing an election complaint with OLMS, a member must have either exhausted internal remedies within the union or pursued them for three months without obtaining a final decision from the union.

Preliminary Analysis

After receiving a complaint, but before opening a case, OLMS reviews the complaint to determine if the following elements are satisfied:

- the complainant is a member of the union holding the election
- the union is covered by the LMRDA
- the election was a regular, periodic election of union officers (or of delegates who will elect officers)
- the allegations, if true, constitute violations of LMRDA Title IV
- the complaint was filed with OLMS within one calendar month after the complaining member either properly exhausted internal union remedies or properly invoked internal remedies for three calendar months without obtaining a final decision

If any one of the above elements is not satisfied, OLMS will not open a case and the complainant will be advised accordingly.

Parent Body Contact

During the initial stages of its investigation, OLMS contacts the union's parent body by telephone or in person to obtain its position as to whether the complainant has properly exhausted or invoked internal union remedies and filed a complaint with OLMS in a timely manner. In some instances, OLMS may request documents relating to the exhaustion of remedies, specific issues raised in the complaint, or an interpretation of provisions in the parent body's constitution.

Investigation

At the start of an investigation, OLMS interviews the complainant about the allegations raised to obtain necessary details. Although OLMS will not provide the union with a copy of the complaint filed with OLMS, union officials are advised of the nature of the allegations.

As part of its investigation to resolve the allegations raised in a complaint, OLMS

- Reviews provisions of the union constitution and bylaws and any other union rules.
- Interviews election officials, union officers, employees and members, and others who may be able to provide background information as well as details about the election procedures and the allegations raised in the complaint.
- Reviews election records such as voter eligibility lists, ballots, notices, and tally sheets.

A Report of Investigation is prepared for internal agency use summarizing the allegations raised and the corresponding investigative findings. To resolve election challenges expeditiously and minimize government involvement in a union's affairs, OLMS is required by the LMRDA to complete its investigation within 60 days after the complaint has been filed. In certain situations, however, additional time is needed to resolve the allegations and the union and OLMS agree to extend this statutory deadline.

Case Review and Determination

The Report of Investigation is forwarded to the OLMS Division of Enforcement in Washington, D.C., for review and a decision as to what action is appropriate. OLMS consults with the Solicitor of Labor during this process. For any Title IV violations found, OLMS determines the number of votes affected and the possible impact on election results. A Summary of Violations Letter is sent to both the subject union and its parent body. This letter is intended to notify the union of the preliminary investigative findings and provide the union with an opportunity to present additional information about the allegations.

If OLMS determines that an allegation raised has no merit, or that a violation occurred but could not have affected the election outcome, no further action is necessary and OLMS closes the case. A Statement of Reasons, listing the specific reasons why the case is being closed, is sent to the complainant, the subject union, and the parent body.

Voluntary Compliance Agreement or Litigation

The Summary of Violations Letter also gives the union an opportunity to correct the violations by entering into a Voluntary Compliance Agreement in which the union consents to take certain remedial actions, such as rerunning the election under OLMS supervision or installing properly elected officers.

If an investigation reveals violations that may have affected the election outcome and voluntary compliance is not obtained, OLMS will file suit to have a federal district court set aside the challenged election and order a new election under OLMS supervision. The challenged election is presumed valid in the interim and the officers elected remain in office pending a final decision by the district court.

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OLMS

Office of Labor-Management Standards

U.S. Department of Labor

Revised May 2014- Last Updated March 2019

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E-mail us at olms-public@dol.gov

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