

Statement of Reasons for Dismissing
the Complaint of ██████████
Concerning the Election of Officers of
the Polk Education Association, Inc.,
Florida Teaching Association-NEA,
National Education Association
Concluded on February 25, 1993
Bartow, Florida

The complainant, ██████████ is a member in good standing of the Polk Education Association (PEA) which is an affiliate of the Florida Teaching Association-NEA, National Education Association (NEA). In ██████████ protest to the union and ██████████ subsequent timely complaint to the Secretary of Labor, the complainant alleged that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. § 481 et seq. (the Act), occurred in connection with PEA's election of officers concluded on February 25, 1993.

The Department of Labor investigation revealed that the membership of PEA consists entirely of public employees. Organizations so composed are not subject to the provisions of the Act. Therefore, the Secretary does not have jurisdiction to act with respect to the complainant's allegations.

However, the investigation revealed that PEA as an affiliate of FTP-NEA and NEA elects delegates to the representative assemblies of both bodies. These delegates, in turn, participate in the election of both FTP-NEA and NEA officers. The FTP-NEA and the NEA are labor organizations within the meaning of the Act, 29 U.S.C. §§ 402 (i) and (j). Thus, after exhausting internal union remedies, as set forth in the constitution and bylaws of these bodies, and after the delegates participate in the election of officers of these bodies, the complainant or any member in good standing may lodge a complaint with the Secretary concerning the PEA delegate election or the election of officers of the FTP-NEA and the NEA.

Based on the foregoing, we are closing our file in this matter.