



October 13, 2010



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed on May 10, 2010, alleging that a violation of Title IV of the Labor Management Reporting and Disclosure Act of 1959 ("LMRDA" or "Act"), 29 U.S.C. §481-484, occurred when the United Food & Commercial Workers Union Local 75 ("Local 75") decided not to hold an officer election in 2010.

The Department of Labor ("Department") conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that there was no violation of the LMRDA.

You alleged that Local 75 violated Section 401(b) of the LMRDA when it decided not to hold an officer election in 2010, as required under Local 1099's election schedule. United Food & Commercial Workers Locals 911 and 1099 merged on April 1, 2009 to form a new labor organization, Local 75. As a result of the merger, Locals 911 and 1099 no longer exist. The merger agreement, which was approved by a vote of the membership of both Local 911 and Local 1099, established the officers for the newly formed Local 75 and specified that all named officers, would remain in office for three years from the effective date of the merger agreement, March 31, 2012.

A newly formed or merged labor organization, such as Local 75, is not required to adhere to the election schedule of its predecessors, Locals 911 and 1099. Further, Local 75's initial selection of officers is not subject to the requirements of the LMRDA, and it may appoint temporary officers to serve until it can hold an election. See 29 C.F.R. §452.14.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA, and I have closed the file regarding this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Joseph T. Hansen, International President
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