



January 26, 2011

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Dear |||||:

This is in response to your letter dated January 20, 2011, in which you seek to file a complaint with the Secretary of Labor challenging the election of officers conducted by Marine Engineers AFL-CIO District 1/PCD on December 6, 2010.

The Office of Labor-Management Standards (OLMS) of the U.S. Department of Labor enforces provisions of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), including those which govern union officer elections.

Section 402 of the LMRDA provides that before a member may file an election complaint with the Secretary of Labor, he or she must first exhaust the remedies available under the constitution and bylaws of the labor organization and of any parent body, or must pursue such remedies for three calendar months without obtaining a final decision.

This office has reviewed the correspondence you submitted and the appropriate provisions of the National Marine Engineers' Beneficial Association AFL-CIO Constitution including the Constitution for Districts. In addition, OLMS has had contact with the union regarding its protest procedures. The review disclosed that you have not received a final response from the Marine Engineers District 1/PCD AFL-CIO, nor have three calendar months expired since you initiated your internal election protest on December 27, 2010.

Since you have not satisfied either of the requirements of Section 402 of the LMRDA, OLMS cannot accept your complaint at this time. However, you may submit a complaint to OLMS within one calendar month after:

- a. receiving a final decision from the Marine Engineers District1/PCD or
- b. invoking internal remedies for three calendar months without receiving a final decision (or in your case after December 27, 2010)

Mr. Don Keefe
January 26, 2011
Page 2 of 2

In addition, in the event you receive a decision from your union's District Executive Committee, you should file a protest with the District Membership to protect your internal union protest procedures.

I am enclosing a copy of the LMRDA and an OLMS pamphlet entitled *Union Officer Elections – A Complainant's Guide*. The procedures for filing a complaint with the Secretary of Labor are outlined on page two of this pamphlet. Please review the information in the pamphlet carefully and contact me at the above phone number if you have any questions.

Sincerely,

Mark Neylon
District Director

Enclosures