



September 26, 2011

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your May 24, 2011 complaint filed with the United States Department of Labor (Department) alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 481 - 484, occurred in connection with the election of officers of the Local One Security Officers (Union) conducted on February 8, 2011.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to each of your specific allegations that no violation occurred which may have affected the outcome of the election.

You alleged that the Union failed to hold its election of officers in the month of December as required by the Union's constitution and bylaws. The LMRDA requires that a labor organization's election "be conducted in accordance with the constitution and bylaws of such organization insofar as they are not inconsistent with the provisions of this title." 29 U.S.C. § 481(e).

The Department's investigation found that the Union held the election in February 2011, in violation of Article XII, Section 3 of the bylaws, which requires elections to be held in December. By holding the election two months late, the Union violated the LMRDA. However, the LMRDA requires that the Department seek to overturn an election only where there is a violation that "has not been remedied." 29 U.S.C. § 482(b). The holding of the February 2011 election remedied the violation, and thus there is no violation requiring action by the Department.

In addition, the investigation revealed that the Union's past practice was to hold its regular officer election in February and, subsequent to the instant election, the membership passed an amendment to the bylaws changing the election month from December to February. This bylaw amendment should eliminate a recurrence of this

violation so long as the Union adheres to its practice of holding its regular election of officers in February.

You also alleged that you were not timely notified that candidates could form slates and that nominees were not given a fair chance to campaign on slates. Section 401(c) of the LMRDA requires unions to refrain from discrimination in favor or against any candidate and provides, among other things, that "adequate safeguards to insure a fair election shall be provided." 29 U.S.C. § 481(c). The Department found that all candidates, including you, were informed 15 days prior to the election that one group of candidates had formed a slate. There is no evidence to suggest that this practice was in any way prohibited by the bylaws or election rules, nor is it prohibited by the LMRDA. You did have an opportunity to campaign during the entirety of the election cycle, and you indicated during the investigation that you did not want to campaign on a slate. There was no violation of the LMRDA.

For the reasons set forth above, it is concluded that there was no violation of the LMRDA that was not remedied and I have closed the file on this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Mr. Michael Piduto, President
Local One Security Officers
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Christopher Wilkinson, Associate Solicitor, Civil Rights and Labor Management