



November 16, 2012

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed June 18, 2012, with the U.S. Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the election of an officer conducted by the International Longshore & Warehouse Union (ILWU), Local 13 in March 2012.

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

You alleged that the union violated section 401(e) of the LMRDA by allowing [REDACTED] to be a candidate in the March 2012 officer election because he was not a member of Local 13. Specifically, you asserted that the union's Executive Board failed to follow proper procedures when it approved [REDACTED] request for a hardship transfer from ILWU Local 10 to ILWU Local 13 at the January 22, 1998 Executive Board meeting.

Section 401(e) of the LMRDA requires that members in good standing shall be eligible to be candidates and to hold office, subject to reasonable qualifications uniformly imposed. The local constitution provides that a member is eligible to be a candidate and hold any office or position if he has been in good standing and an active Longshoreman in the industry in the local, or working for the ILWU for the previous twelve months. *See* Local 13 Constitution, Art. IV § 1(f). A member is eligible to hold elective salaried positions if he has been in the longshore industry within the local for a minimum of five years at the time of the election. *See* Local 13 Constitution, Art. IV § 1(e).

The investigation found that [REDACTED] met the member in good standing requirements at Local 13. A review of [REDACTED] membership card, dues records, and health benefits plan showed that he was in good standing and active in the industry for the twelve months

prior to nominations and has been a member of Local 13 since February 1998. There was no violation of the LMRDA.

With respect to your specific allegation regarding ██████ transfer into the Local, neither the International nor the Local 13 Constitutions contain any requirements for approving a transfer of a member from one local to another or condition a member's eligibility to run for office on the procedural regularity of a transfer. The Pacific Coast Longshore Contract Document states that a fully registered Class A longshoreman may transfer to another port if the Joint Port Labor Relations Committee (JPLRC) at the former home port determines the transfer is warranted. *See* Longshore Contract, Supplement I.1. The investigation determined that ██████ hardship transfer was approved by the JPLRC in 1998, as required by the Pacific Coast Longshore Contract. Based on its review of Executive Board meeting minutes, the Department found that a motion to permit ██████ transfer was made at a January 22, 1998 Executive Board meeting, but details concerning the "seconding and carrying" of the motion were erroneously omitted when the meeting minutes were transcribed. The evidence, however, established that the Executive Board approved ██████ transfer request on January 22, 1998, and subsequently forwarded the request to the JPLRC for final approval at its February 11, 1998 meeting. During its investigation, the Department found that ██████ transfer request was on the agenda for the February 11 JPLRC meeting, demonstrating that the Executive Board had approved and forwarded the motion. Minutes from the February 11 JPLRC meeting confirm that ██████ transfer request from Local 10 to Local 13 was received, approved, and made effective on February 14, 1998. Thus, even if there were a requirement that a member's transfer be properly approved in order to run for office, ██████ would not have been disqualified.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred that may have affected the outcome of the election. Accordingly, the office has closed the file on this matter.

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

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