



March 20, 2013



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint that you filed with the U.S. Department of Labor on January 2, 2013, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the election of officers for Local 36 of the United Union of Roofers, Waterproofers and Allied Workers, AFL-CIO, completed on December 4, 2012.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that no violations occurred.

You allege that the Local improperly deemed you ineligible to run for the position of Business Manager in the election. Section 401(e) of the LMRDA provides, among other things, that every member in good standing shall be eligible to be a candidate and to hold office subject to "reasonable qualifications uniformly imposed". It also provides that elections be conducted in accordance with the constitution and bylaws of the union, as long as they are not inconsistent with the provisions of the LMRDA. The investigation determined that you were not eligible to run for office because you had been tried by the International Union by fair hearing and disqualified from holding office with the union for five years, until December 2014. Since that five year ban had not expired, you were not eligible to run for office.

In addition, the investigation found that you did not meet the good standing requirement to run for office. Article II, Section 8 of the International constitution and by-laws requires that to be eligible to run for office a member must have been in good standing for a minimum of two years. Article V, Section 10 of the constitution and by-laws states that to be a member in good standing a member must pay all dues and other outstanding obligations on or before the last day of the third month after the due date. The investigation found that you had not paid your working dues for the months of February- June 2011 until April 30, 2012. Since you did not pay your working dues for

the above listed months within the three month grace period, you were not eligible to run for office.

Moreover, the investigation found that the member who nominated you, [REDACTED], was not in good standing and was thus ineligible to nominate you under Article VI, Section 1 of the Local's bylaws. There was no violation of the LMRDA.

You also allege that ineligible members ran for office and voted in the election. Specifically, you claim that candidate for president, [REDACTED] and candidate for vice president, [REDACTED], were ineligible because they had failed to pay proper working dues. The investigation found that [REDACTED], as a retired member who no longer works, was not required to pay working dues. In addition, the investigation found that the Roofers Joint Apprenticeship Committee paid Corral's working dues directly to the Local. There was no violation of the LMRDA.

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 in this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Kinsey M. Robinson, International President
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