



June 24, 2013



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed with the Department of Labor on April 7, 2011, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of union officers conducted by Local 601, International Brotherhood of Teamsters on December 15, 2010.

As explained below, your complaint is procedurally defective and is dismissed for that reason. In particular, the enforcement provision of section 402(a)(2) of the LMRDA, 29 U.S.C. § 482(a)(2), contains a provision which requires an aggrieved union member to invoke the available internal union remedies for protesting an election of union officers before filing a complaint with the Department of Labor. The purpose of this provision is to preserve, to the maximum extent feasible, the independence of the labor organization from unnecessary governmental interference, by giving the labor organization the first opportunity to cure any defects in its election process. Thus, if a union has a mandatory pre-election protest procedure, a member who wants to challenge aspects of the election occurring before an election is concluded is required to invoke such pre-election remedy to give the union the first opportunity to cure any defects in its election process.

Article XXII, Section 5(a) of the international constitution and Article 5, section 7 of the local bylaws contain such a mandatory pre-election protest procedure. This provision requires a member to invoke the procedure within forty-eight (48) hours of the member's knowledge of the event that forms the basis of the protest. The investigation revealed that the allegations raised in your complaint to the Department of the December 15, 2010 election of officers of Local 601 --use of union funds to support the candidacy of your opponent; the appointment of an International representative to monitor the affairs of the local; a sexual harassment charge made against you and payment of attorney's fees connected with that charge-- occurred prior to the conclusion of that election. The investigation further revealed that you were aware of the events

giving rise to these allegations more than 48 hours prior to the conclusion of the election. In fact, these allegations formed the basis of your protest of the Local 601 convention delegate election held in October 2010. However, the investigation disclosed that you never filed a pre-election protest with the union raising these allegations as they relate to the December 15, 2010 election. You waited until after that election was concluded before raising these allegations. Thus, you failed to invoke the mandatory pre-election protest procedure prescribed in the international constitution and local's bylaws, with respect to the 2010 election of officers.

You, therefore, did not comply with the enforcement provision of section 402(a) (2) of the LMRDA, requiring an aggrieved member to invoke the internal union remedies for protesting an election of union officers prior to filing a complaint with the Department.

Thus, your complaint is procedurally defective and is dismissed for that reason.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Mr. James P. Hoffa, General President
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