



August 1, 2014

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the U.S. Department of Labor on January 17, 2014, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the rerun election of delegates conducted by the United Brotherhood of Carpenters and Joiners of America (UBC) Local 157 on February 5, 2014.

The Department of Labor conducted an investigation of your complaint. As a result of the investigation, the Department has concluded that you failed to invoke the internal remedies available under the UBC constitution, as required by 402(a)(2) of the LMRDA. Thus, your complaint is not properly before the Department and, therefore, is dismissed. Following is an explanation of this conclusion.

Section 402(a)(2) of the LMRDA requires a union member to have invoked "remedies available under the constitution and bylaws" of the labor organization in order to file a valid complaint with the Department regarding an election of union officers. 29 C.F.R. § 452.135. In your January 17, 2014 complaint to the Department, you challenged the October 9, 2013 decision of the UBC General President, Douglas McCarron, in which he ordered Local 157 to rerun its June 19, 2013 election of delegates to the New York City District Council of Carpenters.

The investigation disclosed that you did not invoke the internal union remedies available under the UBC constitution regarding the October 9 decision prior to filing your January 17 complaint with the Department, as required by section 402(a)(2) of the LMRDA.

Specifically, Section 53G of the UBC constitution provides that all protests concerning the conduct of the nominations or elections, or election procedures in any subordinate body may be appealed to the General President within thirty days from the date of the election. Decisions of the General President on such protests are final.

The investigation disclosed that, on June 19, 2013, Local 157 conducted its regularly scheduled election of delegates to the District Council and that you were elected during that election. On July 15, 2013, Local 157 member [REDACTED] filed a protest with the General President, alleging that you and Local 157 member [REDACTED] were ineligible to serve as delegates.

In a decision dated October 9, 2013, to [REDACTED] and to Local 157 President Mitchell Sonntag, the General President determined that [REDACTED] was eligible to serve as a delegate but ruled you ineligible to serve as a delegate. In the October 9 decision, the General President also ordered Local 157 to rerun its 2013 delegate election without nominations and to remove you as a candidate.

The General President did not provide you with a copy of the October 9 decision; however, the investigation showed that you were aware of the decision on or before October 21, 2013. In addition, the General President affirmed his October 9 decision in a letter dated December 11, 2013.

Despite the fact that you were aware of the General President's October 9 decision on or before October 21, you never protested this decision to Local 157 or the UBC. Instead, in a letter dated October 21, 2013, you protested that decision to the federal court-appointed [REDACTED] who has general authority over District Council elections but appears to have no authority over local union elections, including Local 157's 2013 delegate election. In addition, on December 31, 2013, you protested the General President's October 9 decision to U.S. District Court [REDACTED].

In an opinion and order dated January 8, 2014, [REDACTED] stated that the court was not empowered to consider your objection to the General President's October 9 decision and dismissed the objection.

On January 17, 2014, you filed a complaint with the Department challenging the General President's October 9 decision. However, before filing your January 17 complaint with the Department, you were required under section 402(a)(2) of the LMRDA to invoke available internal union remedies under the UBC constitution and to pursue such remedies for three calendar months without obtaining a final decision from the union. 29 C.R.F. § 452.135.

The investigation disclosed that you never invoked the union's internal remedies concerning the General President's October 9 decision requiring Local 157 to rerun its 2013 delegate election. Instead you filed a protest with the Review Officer and a protest with [REDACTED] challenging the decision. Consequently, because you failed to

invoke the available internal union remedies concerning the October 9 decision, your complaint to the Department does not comply with the requirements of section 402(a)(2) of the LMRDA and, therefore, is dismissed.

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

cc: Douglas J. McCarron, General President  
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