



August 13, 2014



Dear [REDACTED]:

This Statement of Reasons is in response to your February 3, 2014 complaint filed with the U.S. Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of officers of International Brotherhood of Teamsters, Local 251 conducted on October 30, 2013.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to each of your allegations, that there was no violation of the LMRDA affecting the outcome of the election.

You alleged that the union violated its constitution and bylaws by allowing ineligible members to vote when it improperly failed to apply a membership eligibility rule. Section 401(e) of the LMRDA requires that unions conduct officer elections in accordance with the union's constitution and bylaws. Article XXII, Section 4(c), of the International Brotherhood of Teamsters' Constitution states that "[t]o be eligible to vote in the election, a member must have his dues paid up through the month prior to the month in which the election is held." Article X, Section 5(c) provides, in part, that where the employer fails to remit a member's dues payment, the "Union shall notify the member of his employer's failure and payment shall be made by the member within thirty (30) days of said notice in order to retain good standing status."

The investigation revealed that on October 17, 2013, Gary Witlen, Director, Legal Department, International Brotherhood of Teamsters, informed you that the local union might be required to apply a six month eligibility standard, allowing members to receive a ballot if they had paid dues for the six months preceding the election. On the day of the election, October 30, 2013, [REDACTED] informed both candidate slates that the union would apply the six month standard. Both slates agreed to the application of the six month standard. This standard was utilized even though some members may have been in arrears for failure to pay dues more than six months before the election. However, the union had failed to follow the Article X, Section 5(c) requirement of notifying members of employer-created dues delinquency, so many members were not on notice that their membership was not in good standing.

Further, the union's dues records software did not clearly show when members became delinquent or suspended if the arrearage occurred more than six months prior, and assessing older delinquencies would require checking employer payroll records to see when or if the employer had failed to deduct dues properly.

The Department gives deference to a labor organization's consistent interpretation of its constitution and bylaws, unless the interpretation is clearly unreasonable. 29 C.F.R. § 452.3 Here, the union's application of Article XXII, Section 4(c) and Article X, Section 5(c) was not clearly unreasonable under the circumstances. There was no evidence that any ineligible members voted. There was no violation of the constitution and bylaws or Section 401(e) of the LMRDA.

You also alleged that Local 251 violated the LMRDA by failing to provide notice that a six-month eligibility standard would be applied during the election. Section 401(c) of the LMRDA mandates that "[a]dequate safeguards to insure a fair election shall be provided," which imposes a general rule of fairness on union elections. 29 C.F.R. § 452.110. It was not unfair for the union to fail to provide specific notice of the six-month eligibility standard because the standard was an interpretation of the existing bylaw and no members were denied the opportunity to vote due to the union's failure to notify them of their membership suspension. Thus there was no violation affecting the outcome of the election. Further, even if there were a violation, the election would not be overturned for equitable reasons since [REDACTED] were responsible for issuing election notices and checking dues eligibility.

Section 401(e) of the LMRDA also requires unions to preserve ballots and all other election records for one year. The investigation revealed that the union did not record replacement ballot requests, maintain eligibility lists, or preserve challenged ballots. However, no evidence indicated that this violation may have affected the outcome of the election.

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

Sincerely,

Patricia M. Fox
Chief, Division of Enforcement

cc: James P. Hoffa, General President
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