



December 1, 2014



Dear [REDACTED]:

This Statement of Reasons is in response to your June 9, 2014 complaint filed 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 officers conducted by the Bakery, Confectionery, Tobacco Workers & Grain Millers Local 300 on January 31, 2014.

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

You alleged that the Local violated your right to run for office when it deemed you ineligible to run for President at the January 19, 2014 nominations meeting. The decision denying your eligibility was based on the determination that you had not been a "continuously good standing dues paying member of the International Union and the Local Union for at least two (2) continuous years" prior to nominations, as required by the Local's bylaws. Specifically, the Local maintained that from August 2011 to April 2013, you were continuously behind on your dues payments for a period of one or two months. The Local mailed you a dues delinquency notice in March 2013. In response, in April 2013, you made a payment by check for two months of dues, which brought your membership current and you into good standing.

During an interview with OLMS, you claimed that you paid for four months of dues in July 2011 (in part to make up for a delinquency, and in part as a "prepayment") - two by cash, and two by check - and thus your membership in good standing did not ever lapse -- rendering your disqualification improper. The Department conducted an extensive investigation of this claim, including interviews of witnesses and a review of the Local's financial records and records that you provided.

While you provided a receipt reflecting that you made a cash payment to the Local and claim that a second receipt, which you did not retain, was provided for your check payment, a review of the Local's numbered receipts book does not support this claim. The receipts book only reflects one receipt, and the carbon copy of that receipt does not

indicate that you made a payment by cash. The office staff at the Local has confirmed that they did not receive cash from you in July 2011, and they did not mark a receipt indicating they received cash. Other evidence supports the Local's position that only a check payment for two months' dues was received in July 2011, including the Local's policy of clerical staff not accepting cash without an officer present.

Under Section 402(b) of the LMRDA, the Department may only bring a civil action for a violation of Title IV where the Department's investigation finds by a preponderance of the evidence that a violation occurred. Although you and the Local disagree about your dues status prior to April 2013, you both agree that upon notice, in April 2013, you paid two months delinquent dues. As to the period from August 2011 through April 2013, based on the investigation, the weight of the evidence supports a finding that only two months' dues were paid in July 2011, and thus you remained delinquent on your dues payments, and thus did not come into good standing, until April 2013 - less than two years prior to nominations. Section 401(e) of the LMRDA provides the right to run for office to union members in good standing subject to reasonable qualifications uniformly imposed. A requirement of two years of continuous good standing prior to nominations, such as that enforced here, is a reasonable qualification. Accordingly, the Department cannot find by a preponderance of the evidence that the Local improperly denied you the right to run for office.

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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