

Statement of Reasons
Dismissing a Complaint
Concerning the Imposition of a Trusteeship
Over Local 514 of the
Operative Plasterers' and Cement Masons' International Association
in Madison Heights, Michigan

A complaint was filed on February 22, 2013, with the Secretary of Labor alleging that Operative Plasterers' and Cement Masons' International Association (International) imposed a trusteeship on subordinate body Local 514 in violation of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) when on November 1, 2012, the International merged Local 514 with two other locals.

Title III of the LMRDA provides requirements for the imposition of trusteeships and authorizes the Secretary of Labor to take action to rectify violations of the trusteeship provisions. The LMRDA does not deny labor organizations the right to merge. The issue in this case is whether the International's actions in ordering the merger of three locals constituted a trusteeship over Local 514 or a merger. Without the finding of a trusteeship, the LMRDA does not apply and the Secretary of Labor has no jurisdiction over the matter.

Under section 3(h) of the LMRDA, a "trusteeship" is defined as "any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws."

The Department of Labor investigation revealed that at all times prior to and after November 1, 2012, Local 514 retained its autonomy. The investigation disclosed that Local 514 had an active and functioning executive board, with the addition of board members representing members from the merged locals. The investigation further revealed that the Local 514 financial secretary/business manager retained the authority to sign checks on behalf of the local. It is true that Local 514 members were not allowed to make motions at meetings held in the early stages of the merger; however, this is insufficient evidence to indicate a suspension of autonomy.

The facts revealed by the Department's investigation of this case sufficiently demonstrate that the International ordered a merger involving three locals, one of which was Local 514, and did not place Local 514 in trusteeship. Article 10, section 1 of the International Constitution empowers the International President to subjectively decide when a merger is necessary to promote the interests of the union. The Department's investigation revealed that the International President believed that a merger of Local 514 and two other locals was in the best interest of the International as a

whole, and in the best interest of the three locals themselves. By letter dated October 11, 2012, the International President ordered the merger of Local 67 and Local 16 into Local 514, the largest of the three locals. On that same date, the International Executive Board approved the merger, effective November 1, 2012.

For the reasons set forth above, the Department has concluded that there was no violation of Title III of the Act, and I have closed the file on this matter.

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



February 6, 2014



Dear [REDACTED]:

This is to advise you of the disposition of your complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred with respect to the imposition of a trusteeship by the Operative Plasterers' and Cement Masons' International Association (OPCMIA), over Local 514, Madison Heights, Michigan.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. After carefully reviewing the investigative findings, and after consulting with the Solicitor of Labor, we have determined that legal action is not warranted in this case. We are, therefore, closing our file as of this date. The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

cc: Christopher Wilkinson, Associate Solicitor

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



February 6, 2014

Mr. Patrick D. Finley, General President
Operative Plasterers' and Cement Masons' International Association (OPCMIA)
11720 Beltsville Drive, Suite 700
Beltsville, MD 20705

Dear Mr. Finley:

This is to advise you of the disposition of a complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), occurred with respect to the imposition of a trusteeship by the Operative Plasterers' and Cement Masons' International Association (OPCMIA) over Local 514, Madison Heights, Michigan.

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Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

cc: Christopher Wilkinson, Associate Solicitor

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February 6, 2014

Mr. Joel Santos, Business Manager
OPCMIA Local 514
1154 E. Lincoln Avenue
Madison Heights, MI 48071

Dear Mr. Santos:

This is to advise you of the disposition of a complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), occurred with respect to the imposition of a trusteeship by the Operative Plasterers' and Cement Masons' International Association (OPCMIA) over Local 514, Madison Heights, Michigan.

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Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

cc: Christopher Wilkinson, Associate Solicitor