



June 30, 2014



Dear [REDACTED]

This Statement of Reasons is in response to your January 2, 2014, complaint filed with the U.S. Department of Labor alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the election of local officers conducted by the International Longshore and Warehouse Union (ILWU) Local 13 on September 10-12, 2013, with the subsequent run-off election held on September 24-26, 2013.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that, with respect to your allegations, no violation of the LMRDA occurred that may have affected the outcome of the election. The following is an explanation of this conclusion.

You alleged that ILWU Local 13 violated the LMRDA when it denied you the nomination papers necessary to run for an officer position by misapplying its continuous good standing requirement.

Section 401(e) of the LMRDA provides that every member of a union is eligible to run for union office, subject to "reasonable qualifications uniformly imposed." *see also* 29 C.F.R. § 452.34. Under this provision, a union may require its members to be in continuous good standing for a stated period in order to qualify to run for office. *See* 29 C.F.R. § 452.37(b).

Article IV Section 1(f) of the ILWU Local 13 constitution states, "in order to have his name placed on the ballot and to hold any office or position, each candidate must have been in good standing as an active Longshoreman in the industry in this Local or working for the ILWU for the previous twelve (12) months." Article XI, Section 1(b) of the Local 13 Constitution further provides, "a member is in good standing only when his dues assessments or other indebtedness are paid on or before the delinquent dates, as determined by the Local."

Local 13 asserts that you were not in good standing and thus not eligible to run for local office in the September 2013 election because you were delinquent in paying fines

imposed by the union. In particular, Local 13 states that you did not attend the December 2012 membership meeting; this resulted in a fine being imposed that was due on January 15, 2013. You claim that Local 13 should have notified your wife when she went to pay your dues on January 15, 2013, that you owed a fine. You pointed out that Local 13 should not have accepted your dues because Article XI Section 1(a) of Local 13's Constitution requires that all fines, fees, and assessments must be paid before dues will be accepted.

During its investigation, the Department confirmed that your wife paid your December 2012 dues on January 15, 2013, while you were working as a longshoreman out of ILWU Local 23 in Seattle. She was not certain if the receipt she received indicated that there was an outstanding fine. She acknowledged, however, that she made a non-dues payment on January 30, 2013. The union contends it always notifies members of their fines for missed meetings when they make their regular dues payments.

Despite the language in its Constitution, Local 13 does not require all fees and assessments to be paid before dues will be accepted. Local 13 explained that it accepts payments of dues only from members because a member is ineligible to work if dues are paid after the 15th of the month.

The Department reviewed your dues history for the twelve month period preceding nominations, August 2012 to July 2013. The review indicated that you had four delinquent fines totaling \$144.34 that were not paid until January 30, 2013. Thus, you were properly disqualified from running for office because you were delinquent in paying your fines. The Department also found that the other members of Local 13 who were deemed ineligible to run for office also had been delinquent in a payment of their dues, fees, or fines on at least one occasion during the 12 months preceding the opening of nominations. The Department did not uncover evidence that Local 13 applied its constitution and by-laws in a selective way to disqualify you from running for office.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA that may have affected the outcome of the election. Accordingly, the Department has closed the file on this matter.

Sincerely,

Patricia Fox, Chief  
Division of Enforcement

cc: Robert McEllrath, International President  
International Longshore and Warehouse Union  
1188 Franklin Street  
San Francisco, CA 94109

Chris Viramontes, President  
ILWU Local 13  
630 South Centre Street  
San Pedro, CA 90731

Christopher B. Wilkinson  
Associate Solicitor for Civil Rights and Labor-Management