



May 5, 2014



Dear [REDACTED]:

This Statement of Reasons is in response to your March 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 of 1959 (LMRDA) occurred in connection with the election of officers conducted by the Teamsters Local on November 29, 2013.

The Department conducted an 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. Following is an explanation of this conclusion.

You alleged that the Local failed to properly notify members that it was eliminating the requirement that members be "in good standing with initiation fees and dues paid through October 2013" in order to be eligible to vote in the election. You also alleged that several members who did not vote would have done so had they been aware of the elimination of the good standing requirement, and that these members were thus deprived of their right to vote.

Section 401(e) of the LMRDA requires that labor unions provide members a reasonable opportunity to vote for the candidate of their choice. *See* 29 C.F.R. § 452.94. Further, section 401(c) of the LMRDA obligates labor unions to provide adequate safeguards to insure a fair election, which imposes a general obligation of fairness on election procedures. *See* 29 C.F.R. § 452.110.

The Department's investigation has confirmed that the Local eliminated the good standing requirement, because of difficulty in determining which members were in good standing. The Local failed to notify either the general membership or affected members of this change. The Local's failure to inform members of a change in their eligibility to vote may have deprived members of a reasonable opportunity to vote, and demonstrates a lack of adequate safeguards to insure a fair election, because members who were not in good standing may have mistakenly believed that they were not permitted to vote. However, under section 402(c) of the LMRDA, in order for a challenged election to be declared void and a new election ordered a preponderance of

the evidence must show “that the violation . . . may have affected the outcome of an election.” The investigation revealed that only three members of the Local who were not in good standing and did not vote would have voted had they been aware of the elimination of the good standing requirement. The smallest margin of victory in the election was four votes. Thus, even if these three members had voted, those votes would not have affected the outcome of the election. Therefore, the Department has no basis to take action on this allegation.

In addition, you made five allegations relating to election procedures that occurred prior to the election. Section 402(a) of the LMRDA requires that union members first exhaust each of their claims through the union’s internal protest procedures for the allegation to be properly before the Department. Where a member seeks to file a protest regarding conduct learned of prior to an election, the Local’s bylaws, § 17(G)(1), require all protests to be lodged within 48 hours.

The Department’s investigation confirmed that you were aware of the facts underlying each of your five other allegations prior to the election, but did not file a protest until December 2, 2013 – more than 48 hours after you learned of the underlying facts. Accordingly, these claims were not properly before the Department and were not investigated further.

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

cc: Mr. James P. Hoffa, General President
25 Louisiana Avenue, N.W.
Washington, DC 20001

Mr. Stefan Krueger, Secretary Treasurer
Teamsters Local 126
595 2nd Avenue
Troy, New York 12182

Mr. Bruce Bramley
Pozefsky Bramley & Murphy
90 State Street, Suite 1405
Albany, New York 12207

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