



August 18, 2015

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your complaint filed with the Department of Labor (Department) on March 10, 2015. Your complaint alleges a violation of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the November 24, 2014 election of officers for the International Association of Heat and Frost Insulators and Allied Workers' Insulators (HFIA), AFL-CIO, Local Union 42 (Local 42).

The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded that there was no violation that may have affected the outcome of the election.

Specifically, you allege that a candidate qualification was improperly applied when you were ruled ineligible to be a candidate by the international union due to your suspension from office on December 4, 2012. Section 401(e) of the LMRDA provides that every member in good standing shall be eligible to be a candidate for office, subject to reasonable qualifications uniformly imposed, and that elections shall be conducted in accordance with the constitution and bylaws of the labor organization. Article XX, Section 2(a) of the HFIA Constitution provides that to be eligible to run for office, a member "shall have been in continuous good standing without having been suspended for 2 years...."

The Department's investigation determined that you were suspended from holding union office, but not from membership, less than two years prior to the election. You never lapsed in your union dues payments and continued to attend membership meetings during your suspension from union office. HFIA's position is that "good standing" is defined as being current in dues and not currently suspended from holding office. The Department's regulations explain that it accepts a union's interpretation of its constitution unless it is clearly unreasonable. 29 C.F.R. § 452.3. Applying this standard, OLMS accepts HFIA's interpretation of its constitution that the continuous

good standing candidate eligibility requirement includes not being currently suspended from holding union office. There was no violation of the LMRDA.

Sincerely,

Stephen J. Willertz
Acting Chief, Division of Enforcement

cc: James A. Grogan, International President
International Association of Heat and Frost Insulators and Allied Workers,
AFL-CIO, CFL
9602 Martin Luther King Highway
Lanham, MD 20706-1839

Robert Burris, President
Insulators Local 42
1188 River Road
New Castle, DE 19720

Christopher Wilkinson, Associate Solicitor
Civil Rights and Labor-Management Division