



December 3, 2015

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the U.S. Department of Labor on June 3, 2015. Your complaint alleged that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), Local 909 election on May 15, 2014.

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

First, you alleged that UAW Local 909 improperly disqualified you as a candidate for Local Union President because you are a retired member. Section 401(e) of the LMRDA provides that "every member in good standing shall be eligible to be a candidate" for union office, subject to "reasonable qualifications uniformly imposed." It further requires that elections "be conducted in accordance with the constitution and bylaws" of the union, "insofar as they are not inconsistent with the provisions" of the LMRDA.

Here, Article 45, Section 1(2) of the UAW Constitution provides that "[r]etired members are ineligible to run for any local union position which carries responsibility for . . . [the collective] bargaining required by . . . local union bylaws." In turn, Local 909's bylaws, Article X, Section 1(D), provide that certain union representatives including "the Local Union President . . . shall constitute the Bargaining Committee for the Nurses Unit."

In this case, it is undisputed that you are a retired member of the union. As a result, you were not eligible to run for the office of President which, pursuant to the Local's bylaws, has collective bargaining responsibilities. There was no violation.

Second, your complaint to the Department alleged that Local 909 violated the UAW Constitution when it removed your name from the ballot after the nominations period had closed. Article 38, Section 2(2), of the UAW Constitution directs that “[f]ollowing the deadline of acceptance of nominations, no candidates will be added or removed from the ballot.” In response to your protests, UAW determined that the timing of the ballot change here was in error. However, Section 402(c) of the LMRDA provides that a union election will only be declared void where a violation of the statute may have affected the outcome of the election. This violation of the union constitution could not have affected the outcome of the election, since you were properly disqualified as a candidate for President.

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. The office has closed the file in this matter.

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

cc: Dennis Williams, International President
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