



January 9, 2015



Dear [REDACTED]

This Statement of Reasons is in response to your June 20, 2014, complaint filed with the U.S. Department of Labor. In your complaint, you alleged that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in the election of local officers conducted by the International Longshore and Warehouse Union (ILWU) Local 13 on March 11-13, 2014, with the subsequent run-off election held on March 25-27, 2014.

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. The following is an explanation of this conclusion.

You alleged that ILWU Local 13 violated the LMRDA when it allowed members who have unpaid fines and assessments to vote in the Local 13 officer elections. You stated that under Local 13's Constitution and Bylaws members who have unpaid fines and assessments are not in "good standing," and thus should not be allowed to vote.

Section 401(e) of the LMRDA provides that every member of a union in good standing has right to vote in local elections. Under the Department's regulations, a union may qualify this right to vote with reasonable rules, such as requiring payment of dues, so long as the union applies them in a nondiscriminatory fashion.

See 29 C.F.R. §§ 452.85-86.

Article III Section 11(e) of the ILWU Local 13 Constitution states, "[t]he Election Board shall allow no one to vote unless his book is in good standing." Article XI Section 1(b) of the Local 13 Constitution, which concerns the nomination of officers, 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." Section VI(b) of Local 13's Election Policy, Rules, and Procedures further states that "[t]he Secretary Treasurer shall consider any member of Local 13 that is current in their dues for the month when voting occurs to be a member in good standing."

During the investigation, Local 13 asserted that it has higher “good standing” requirements for members to run for local office and to sign recall petitions than to vote in elections. For purposes of voting in local elections, Local 13 points out that Article III Section 11(e) of its constitution requires a member’s “book” to be in good standing. It states that prior to automating its records, the union stamped a member’s dues book for payment of monthly dues. Thus, Local 13 could verify if a member’s book was in good standing by reviewing the member’s book for the dues stamp. The book did not track fines. Given this past practice, Local 13 asserts that its interpretation of Article III Section 11(e), which requires a member’s book to be in good standing, supports its position that a member who is current on dues but has outstanding fines still has the right to vote.

The Department confirmed during the election that Local 13 allowed members who were current on dues but had outstanding fines and assessments to vote in the March, 2014, election and run-off. The investigation also found that Local 13’s practice has been to consider such members to be in “good standing” for voting purposes for at least the past 10 years. The investigation revealed that if Local 13 permitted only members current on all dues, fines, and assessments to vote, a significant percentage of the union’s membership would not be able to vote for local officers. The Department also found no evidence that Local 13’s voting-eligibility policy was applied in a discriminatory manner.

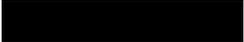
The Department’s regulations require that it defer to a union’s interpretation of its constitution and bylaws unless the interpretation is clearly unreasonable. *See* 29 C.F.R. § 452.3. The union’s construction of its rule is reasonable and it was not applied in a discriminatory manner. There was no violation of the LMRDA.

Accordingly, the Department has closed the file on this matter.

Sincerely,

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Chief, Division of Enforcement

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