



March 4, 2015

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your complaint filed on September 11, 2014 with the U.S. Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure (LMRDA) occurred in connection with the election of officers of Laborers Local Union 1010 conducted on June 28, 2014.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to each of your allegations, that there was no violation of the LMRDA.

You alleged that the format of the ballot used on June 28, 2014 violated the LIUNA Uniform Local Constitution (Constitution) Article VI, Section 2(e) by including unopposed positions on the ballot. Section 401(f) of the LMRDA requires that unions conduct officer elections in accordance with the union's constitution and bylaws. Article VI, Section 2(e) of the Constitution states that, "[i]n the event there is no contest for any office . . . there is no need for a secret ballot election, and the nominees shall be declared duly elected." The LIUNA Election Guide states that, "[a]lthough it is not required, placing the unopposed names on the ballot would promote the democratic process by giving the membership a more informed vote." The decision to include the unopposed candidates on the ballot is not prohibited by the Constitution and was recommended by the election guide. Therefore, no violation of the LMRDA occurred.

You also contended that the sequence of the positions on the ballot was misleading and that language used on the ballot was confusing. However, the Constitution specifies the sequence of nominations and requires ballots to follow the same sequence. The ballot at issue followed the required sequence and is identical to that used in the last locally contested election. There is no evidence that union members and retirees were confused by the sequence of the positions listed or the language used on the ballot. Therefore, there was no violation of the LMRDA.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred. Accordingly, the office has closed the file on this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Terry O'Sullivan, General President
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[REDACTED]

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Christopher Wilkinson, Associate Solicitor for Civil Rights and Labor
Management