



March 4, 2015



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint dated September 23, 2014, and received by the U.S. Department of Labor on September 26, 2014, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of officers conducted by Plumbers Local 60 on June 2, 2014.

A member of a local organization must have properly exhausted the remedies available under the organization's constitution and bylaws before filing a complaint with the Secretary of Labor. 29 U.S.C. § 482(a). Section 125(a) of the Constitution of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada (UA) provides that a protest of the conduct and validity of any local union election shall be filed with the General President within five (5) working days after the election. Section 125(a) also states that the General President shall refer the protest to one of his representatives, who shall conduct an investigation and render a decision. A member or the local union not satisfied with the representative's decision must appeal, in writing, within three working days to the General President. The international's position is that the three working days date from the member's receipt of the representative's decision. The decision of the General President shall be final, binding, and conclusive.

The Department's investigation revealed that you filed a protest of the June 2, 2014 election on June 3, 2014, with UA General President William Hite. By letter dated June 16, 2014, General President Hite assigned UA International Representative Richard Oliver to investigate your protest. By letter dated June 21, 2014, you acknowledged the appointment of Oliver as the representative to investigate your protest. Oliver denied your protest by letter dated June 25, 2014 and informed you that you could appeal his decision within three working days to General President Hite.

A review of the United States Postal Service tracking number verifies that Oliver's decision was delivered to you on June 28, 2014. However, as you acknowledged, your

appeal letter of August 4, 2014, was not sent within three working days of the receipt of Oliver's decision, in accordance with Section 125(a) of the UA Constitution. You did not properly exhaust union remedies, and the Secretary of Labor does not have jurisdiction to investigate your complaint.

However, the Department did review your allegation that there was a lack of adequate safeguards to ensure a fair election because the election judges and tellers were not democratically selected. Article V, Section 4 of the local bylaws provides that the president shall appoint three election judges and the necessary official tellers. Title IV does not require the election of election officials except to the extent that the union's constitution and bylaws require it. That the constitution provides for the appointment of election officials is not a violation of Title IV of the LMRDA.

In a subsequent complaint letter to the Secretary of Labor dated September 24, 2014, you alleged that candidates were campaigning near the polling site on the day of the election. You, however, did not raise this issue with the General President within five days after the election consistent with Section 125(a) of the UA's election protest provisions. Consequently, you did not properly exhaust union remedies and, as a result, the Secretary of Labor has no authority to consider the merits of this protest. See 29 U.S.C. § 482.

For the reasons set forth above, I have closed the file regarding this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Mr. William P. Hite
General President, United Association
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Christopher Wilkinson, Associate Solicitor for Civil Rights Labor Management