



May 20, 2015

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your complaint filed on November 10, 2014, with the U.S. Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of officers of Local Union 407, United Brotherhood of Carpenters, conducted on February 12, 2014.

The 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.

You alleged that the union improperly applied a candidate qualification rule when it ruled that you were ineligible to hold the office of trustee that you were elected to. Section 401(e) of the LMRDA provides that every member in good standing shall be eligible to be a candidate and to hold office, subject to reasonable qualifications uniformly imposed. Section 401(e) requires that unions conduct officer elections in accordance with the union's constitution and bylaws. Section 31D of the United Brotherhood of Carpenters' constitution states, in pertinent part:

A member cannot hold office... nor shall the member be eligible unless working for a livelihood in a classification within the trade autonomy of the United Brotherhood as defined in Section 7... A member who retires after being elected may complete the term for which elected unless receiving a pension under the United Brotherhood of Carpenters Pension Plan.

The December 13, 2013 Nominations Notice and the January 13, 2014 Election Notice both stated, "The term of offices is 2 year (sic) and 4 months starting March 12, 2014 and ends July 13, 2016."

The Department's investigation revealed that you had not worked on a job covered by the union since February 2013. You applied for retirement benefits in December 2013

and removed your name from the “out of work list” effective February 14, 2014. On March 11, 2014, the union president notified you that you were not eligible to hold office because you were retired and not actively seeking work as evidenced by your receipt of a pension benefit check covering a term beginning January 1, 2014.

The union has interpreted Section 31D to mean that a member is not “elected” until the term of office begins – in this case, March 12, 2014 – and thus being retired before the term of office renders a candidate ineligible to hold office. The Department of Labor will accept the interpretation consistently placed on a union’s constitution by the responsible union official or governing body unless that interpretation is clearly unreasonable. 29 C.F.R. § 452.3. There was no violation of the LMRDA.

For the reason set forth above, it is concluded that no violation of the LMRDA occurred. Accordingly, I have closed the file on this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Douglas J. McCarron, General President
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