



May 15, 2015

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the U.S. Department of Labor on February 2, 2015, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with a decision by Ronald Ault, President of the Metal Trades Department (MTD), in which he ordered a rerun of the election of officers conducted by the Atomic Projects and Production Workers (APPW), Metal Trades Council on December 17, 2014.

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

You alleged that Ault's order requiring a rerun of the APPW's 2014 election of officers was improper. The MTD's investigation disclosed that certain delegates to the APPW, an intermediate body, who participated in the election of APPW officers, had been appointed rather than elected as delegates. The MTD's investigation also disclosed deficiencies regarding the notice of nominations and election, and the ballot count.

The Department's investigation confirmed that certain delegates who participated in the election of APPW officers were not elected by secret ballot but had been appointed, in violation of section 401(d) of the LMRDA, which requires that such delegates be elected by secret ballot. The Department's investigation also disclosed that the fairness of the election of APPW officers was compromised, in violation of section 401(c) of the LMRDA. The APPW failed to notify its members of the nominations meeting for APPW officers, even though all members were eligible to be nominated for and elected to these offices.

The Department will not seek to reverse a union's remedial decision to hold a new election unless it is apparent that the decision was based on the application of a rule that violates the LMRDA; the decision was made in bad faith, such as to afford losing

candidates a second opportunity to win; or the decision is otherwise contrary to the principles of union democracy embodied in the statute and holding a new election is unreasonable. In light of the fact that violations of the election provisions of the LMRDA occurred during the 2014 election of APPW officers, President Ault's decision to require a new election of such officers ensures the integrity of and confidence in the APPW election process. Further, this decision was not, under the circumstances, inconsistent with the purpose of the LMRDA. President Ault's decision ordering a rerun meets the reasonableness standard and therefore warrants the Department deferring to the union. Accordingly, we are closing our file on this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Mr. Ronald E. Ault, President
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