



October 6, 2015



Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed on May 18, 2015, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 481-484, occurred in connection with the election of officers conducted by the International Longshoremen's Association (ILA), Local 1422 (Local 1422 or union), AFL-CIO, on January 30, 2015.

The Department of Labor (Department) conducted an investigation of your allegation. As a result of the investigation, the Department has concluded that there was no violation that may have affected the outcome of the election.

You alleged that Vice President James Pinckney, Jr. was not in good standing with Local 1422 and should not have been permitted to be nominated or placed on the ballot for the January 30, 2015 election. Article VIII, Section 1(a) of Local 1422's Constitution and By-Laws requires that in order to be eligible for nomination or election to any office a member must have been in continuous good standing for a period of one year prior to his nomination. You allege that this individual had not paid the requisite amount of dues to maintain good standing. Article XVI, Section 1(a), of the ILA Constitution provides that each local shall fix the dues and initiation fees of its members. The investigation revealed that the established rate of dues for working members of Local 1422, set forth in Article XII, Section 1(a) of Local 1422's bylaws, is 5% of each member's gross earnings. However there was some confusion in the local as to whether the dues for working members also applied to officers such as Pinckney. Heretofore, the salaried officers of Local 1422 had paid a lesser dues amount and had been allowed to run for union office.

The investigation disclosed that ILA Secretary-Treasurer Robert E. Gleason, in letters dated November 5, 2001 and January 25, 2006, informed locals and their officers that Article XVI of the ILA Constitution has been consistently interpreted by the ILA to require that whatever rate of dues is established by the local for its members applies to

all members of the local, including salaried officers. The ILA General Counsel's office confirmed that the stated policy on officers' dues remained current in 2014. The Department's investigation revealed that the ILA Constitution does not authorize a local to establish one rate of local dues to be paid by members on check-off and another rate of local dues to be paid by local salaried officials. Also, the Department's investigation found that there is no provision in the ILA's Constitution authorizing a local to establish a lower rate of dues for local salaried officials.

The Department's investigation revealed that on July 17, 2014, members filed charges with the ILA against President Kenneth Riley and the Local 1422 Executive Board alleging that the Local 1422 Executive board failed to follow the ILA's policy that requires all local union members, including salaried officers, to pay the same amount of dues as rank-and-file members in order to be members in good standing.

The ILA appointed a committee to address the complaint, and a hearing was held on September 23, 2014. The Committee concluded, based on testimony presented at the hearing and its review of Local 1422's financial records that Local 1422's past practice of allowing officers to pay a lower rate of dues was in conflict with the local's dues policy. Accordingly, the Committee found that Vice President James Pinckney, Jr. was not in good standing because he had not fulfilled his local dues obligations by paying 5% of his gross officer's salary. The Committee recommended that Pinckney could become a member in good standing and eligible to run in the January 30, 2015 election by paying his local union dues in the amount of 5% of gross local union officer salary for a period of one year preceding the date of the election. Also, the Committee recommended that he continue to pay 5% dues on his gross local union officer salary from the date of the nominations until he leaves local union office.

By letter dated December 9, 2014, the International advised the charging parties that the ILA Executive Council voted to adopt the Committee's Findings and Recommendations. On December 18, 2014, the day prior to nominations, Pinckney paid the required dues, 5% of salary, for the period January 30, 2014 to January 30, 2015. Inasmuch as Pinckney complied with the International's directive to pay 5% dues on his gross local union officer salary to become a member in good standing and eligible to run for office in the January 30, 2015 election, there was no violation of Section 401(e) of the LMRDA.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA that may have affected the outcome of the election, and I have closed the file regarding this matter.

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

cc: Mr. Harrold Daggett, President
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