



March 18, 2016



Dear [REDACTED]:

This Statement of Reasons responds to your complaint received by the United States Department of Labor (Department) on August 19, 2015. The complaint alleged that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the Sheet Metal, Air, Rail and Transportation Workers (SMART), Railroad, Mechanical, and Engineering Department (RMED) election of officers of held June 24, 2015, at convention.

The Department investigated your allegations. As a result of the investigation, the Department has concluded that, with respect to each of your allegations, no violation occurred.

You first allege that SMART Local 476 was denied representation at the RMED convention based on the fact that Local 476 has too few members. The investigation did not substantiate that allegation. The investigation revealed that the union failed to timely elect a delegate to the convention. The Department's investigation revealed that the deadline for submitting delegate credentials was May 1, 2015. Local 476 did not submit delegate credentials by the May 1 deadline. The Local 476 Chairman, Chairman Packer, who is a delegate to the convention by virtue of election to that office, could not attend the convention, and the local did not submit credentials for another properly-elected delegate by the deadline. The investigation did reveal that Joe Fraley, the RMED General Chairman, in a call to Packer after the May 1 deadline, stated that Local 476 would not be able to send a delegate to the convention because Local 476 had fewer than 15 members. This was incorrect as there is nothing in the SMART constitution that prevents a local with fewer than 15 members from attending the convention, so long as the local's charter has not been suspended or revoked. Article 10, Section 9(b) of the SMART constitution states that whenever the International's records show that a local has less than 15 members in good standing, the local's charter shall be suspended and forfeited. As of the credentials deadline, Local 476's charter was still in effect. Although Fraley was incorrect, Local 476 was not denied a seat at the convention because the local

had fewer than 15 members. Local 476 failed to submit the credentials for an elected delegate by the May 1 deadline. There was no violation.

Second, you allege that SMART Local 520 was denied representation at the RMED Convention because it had too few members. Specifically, you allege that SMART misapplied Article Ten, Section 9(b) of its constitution to prevent Local 520 from sending a delegate. You claim that Local 520 maintained a membership of more than 15 members, and therefore its delegate should have been seated at the convention.

The Department's investigation revealed that Local 520 had not maintained a membership of more than 15 members. The records reviewed during the investigation showed that Local 520 only had 14 active members from November 2014 until May 2015. The monthly reports maintained by the International indicate that two of Local 520's 16 members were inactive for multiple months. General President Joseph Sellers, Jr., by letter dated May 19, 2015 ordered the closure of Local 520 and the transfer of its membership into Local 525, effective June 1, 2015. The letter cited Article Three, Section 2(g) of the SMART Constitution, which provides the General President with the authority to, among other things, "amalgamate or merge two or more local unions or district councils when it is advisable or necessary in the best interests" of the union and its members. The letter further states that "this action was prompted because our records reveal that Local Union 520 has been operating with only fourteen active members" and that Local 520 was "in violation of Article Ten(10), Section 9(b) of the SMART Constitution."

Counsel for the International indicated that General President Sellers merged Local 520 "pursuant to his authority under Article Three, Section 2(g) of the SMART Constitution," rather than strictly under Article Ten, Section 9(b). Because Local 520's charter was suspended effective June 1, 2015, Local 520 was not eligible to send a delegate to the June 24 convention. Accordingly, there was no violation.

Third, you allege that Local 334 was denied the opportunity to send an eligible delegate to the RMED convention because the union failed to inform the local of a problem with its delegate, Local 334 Chairman, Haddon, in a timely manner. You assert that SMART should have notified Local 334 of Haddon's disqualification sooner so that Local 334 could have sent a different delegate.

The Department's investigation revealed no evidence that anyone knew about the problem with Haddon's serving as delegate until a week before the convention. As such, the deadline had passed for submitting delegate credentials. There was no violation.

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,

Sharon Hanley
Division of Enforcement
Office of Labor-Management Standards

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