



January 22, 2016

[REDACTED]

Dear [REDACTED],

This Statement of Reasons is in response to your complaint filed with the Department of Labor on August 12, 2015, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the August 2015 election of officers conducted by the Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA) and the SAG-AFTRA Los Angeles Local.

The Department of Labor conducted an investigation into your allegations. As a result of the investigation, the Department concluded that there were no violations of the LMRDA. The following is an explanation of this conclusion.

You alleged that you were improperly disqualified as a candidate for the August 12, 2015, SAG-AFTRA National and Los Angeles Local elections. You stated that, because you never received an electronic bill for your November 2014 dues, and you were not given notice that your dues were delinquent, the union improperly considered you not to have maintained continuous good standing.

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. A qualification of continuous good standing based on punctual payment of dues for a certain period of time is reasonable so long as the period is reasonable and members are given a reasonable grace period. 29 C.F.R. § 452.37.

The SAG-AFTRA National and Los Angeles Local constitutions impose a reasonable qualification of continuous good standing based on dues payments on all officer and board member candidates. To be eligible to run for office, a member must have been in good standing for the 12 months prior to his or her nomination. SAG-AFTRA National Constitution article VIII.A; SAG-AFTRA Los Angeles Local Constitution section 5.5. A member is in good standing when he or she is "an active member who is not in arrears in the payment of Union dues, assessments or, if any, fines." SAG-AFTRA National

Constitution article III.C; Los Angeles Local Constitution section 1.2. Dues payment is required every year on May 1 and November 1. A 40-day grace period is given to those delinquent in their dues payments before their status as members in good standing is lost.

The Department's investigation confirmed that you did not meet this qualification because you were not a member in good standing from December 10, 2014, until January 30, 2015. The investigation revealed that, on October 11, 2014, an electronic bill for your November 2014 dues payment was uploaded to your SAG-AFTRA online account. Payment was due on November 1, 2014. The 40-day grace period for your bill expired on December 10, 2014. You did not pay the bill until January 30, 2015. Thus, from December 10, 2014, until January 30, 2015, you were not a member in good standing.

Nominations for the August 2015 SAG-AFTRA election were due on June 26, 2015. To be eligible to run for local or national office, candidates were required to have been members in continuous good standing from June 26, 2014, to June 26, 2015. Because you were not a member in good standing for the entire 12-month period, you were properly disqualified from candidacy in the SAG-AFTRA National and Los Angeles Local August 2015 election of officers.

During the Department's investigation, you admitted to not paying your November dues until late January, and you conceded that SAG-AFTRA's definition of good standing is based on timely dues payment. You alleged, however, that you did not receive a paperless bill via email and should therefore have been excused for the delinquency of your November 2014 dues payment. As explained below, the Department's investigation established that the union did provide notice that your dues payment was due.

On April 29, 2014, you signed up for optional online dues payment and agreed to the Electronic Billing Terms and Conditions, which stated in part that:

If you have opted in to electronic notices and do not receive a notice that your Statement and Payment Notice is ready, you may still access it through your online account. SAG-AFTRA shall not bear any responsibility for any late or misdirected Statement and Payment Notice that is sent to the billing e-mail address of record associated with your account nor for any dues payment that is late.

Also contained in the Electronic Billing Terms and Conditions is the statement that SAG-AFTRA will send an email to the email address on file when the Statement and Payment Notice is ready.

According to evidence provided by SAG-AFTRA's National Director of Software Development and Support, on October 11, 2014, an electronic bill for the November

2014 dues payment was uploaded to your SAG-AFTRA online account, and on or about October 16, 2014, you were sent an email containing the paperless bill. The electronic bill was sent to you at poetmster@aol.com, an email address you provided when you signed up for paperless billing.

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
Chief, Division of Enforcement

cc: Ken Howard, National President
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