

Statement of Reasons  
for Dismissing the Complaint Concerning  
the Trusteeship Imposed on Workers United, SEIU, Local 50

Members in good standing of the Workers United-Service Employees International Union (WU-SEIU), Local 50, filed a complaint on December 12, 2014, with the Secretary of Labor alleging that WU-SEIU failed to terminate the trusteeship after 18 months as recommended in Article 5, Section 5 of the WU Constitution. Based on the following reasons, the complaint is dismissed.

The LMRDA allows trusteeships for the purpose of “correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of such labor organization.” 29 U.S.C. § 462. A trusteeship established by a parent body in conformity with the procedural requirements of its constitution and bylaws is presumed valid for 18 months from the date of its establishment and is not subject to attack during such period except by clear and convincing proof that the trusteeship was not established or maintained in good faith for a purpose allowable under section 302 of the LMRDA. 29 U.S.C. § 464(c). Moreover, a trusteeship is presumed invalid at the expiration of 18 months, unless clear and convincing proof is provided that continuation of the trusteeship is necessary for a purpose allowable under the LMRDA. 29 U.S.C. § 464(c).

The Department’s investigation determined that the trusteeship was established for a proper purpose. The Department found that the trusteeship over Local 50 was necessary for the purpose of correcting financial malpractice, restoring democratic procedures, and the rights of fee-paying members. The WU-SEIU determined that the local had placed restrictions on the voting rights of certain workers.

The Department’s investigation also determined that the trusteeship was established in conformity with the union’s constitution and bylaws. Local 50 was notified of the reasons for the imposition of the trusteeship and of the charges against the local’s officers. WU held a hearing regarding the imposition of the trusteeship. There was no claim or evidence suggesting that the hearing was not fairly conducted. WU attempted to inform members of the hearing. However, Local 50 officers refused requests for a membership list. Based on these facts, *i.e.*, the trusteeship was imposed for an allowable purpose, the trusteeship was established in conformity with the union’s constitution, and a fair hearing on the trusteeship was held, the trusteeship does not violate the requirements of Title III of the LMRDA. Local 50 was appropriately placed under trusteeship on May 23, 2013, and the trusteeship enjoyed the presumption of validity for a period of 18 months.

However, the Department’s investigation determined that the duration of the trusteeship exceeded the 18-month period of validity. This period ended on November 23, 2014. After the 18 month period of validity has been exceeded, the trusteeship is presumed invalid unless the union shows by clear and convincing evidence that the trusteeship was extended for a purpose allowable under the Act. Here, the question of

whether the trusteeship was extended for an allowable purpose is moot. On August 17 and 18, 2015, a Terminal Trusteeship Report Form LM-16 was filed with the Department. Thus, full autonomy has been restored to Local 50. Accordingly, this matter does not require any further action on the part of the Department.

For the reasons set forth above, the file on this matter is closed.

**U.S. Department of Labor**

Office of Labor-Management Standards  
Division of Enforcement  
Washington, DC 20210  
(202) 693-0143 Fax: (202) 693-1343



May 31, 2016



This is to advise you of the disposition of your complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred with respect to the imposition of a trusteeship by the Workers United Conference over Local 50 in Anaheim, California.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. After carefully reviewing the investigative findings, and after consulting with the Solicitor of Labor, we have determined that legal action is not warranted in this case. We are, therefore, closing our file as of this date. The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,

Sharon Hanley  
Chief, Division of Enforcement

Enclosure

cc: Beverly Dankowitz, Associate Solicitor  
Civil Rights and Labor-Management Division

**U.S. Department of Labor**

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Division of Enforcement  
Washington, DC 20210  
(202) 693-0143 Fax: (202) 693-1343



May 16, 2016

Edgar Romney, Secretary-Treasurer  
Workers United, SEIU  
12 W. 31<sup>st</sup> St., 12<sup>th</sup> Floor  
New York, NY 10001

Dear Mr. Romney,

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Sincerely,

Sharon Hanley  
Chief, Division of Enforcement

Enclosure

cc: Beverly Dankowitz, Associate Solicitor  
Civil Rights and Labor-Management Division