



February 17, 2017



Dear [REDACTED]:

This Statement of Reasons is in response to your June 27, 2016, complaint filed with the U.S. Department of Labor (the Department), alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA or the Act) occurred in connection with the election of officers conducted by the International Brotherhood of Electrical Workers, Local 266 (the Local).

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that no violations occurred. The following is an explanation of this conclusion.

You made two allegations with respect to the Local's two-year good standing requirement for candidacy. First, you alleged that the Local's two-year continuous good standing requirement is unreasonable because it denies candidate eligibility to members who cannot meet the full two years "immediately prior" but may still offer a "wealth of experience." Article III, Section 7(f) of the Local's bylaws specifically states that, "No member shall be eligible for office unless he/she has been a member of Local Union 266 in continuous good standing for at least two (2) years immediately prior to nomination." Section 401(e) of the LMRDA provides that in any election of officers required by the Act, every member in good standing, shall be eligible to be a candidate and to hold office. However, unions may prescribe minimum qualification standards for candidacy and officeholding so long as those qualifications are reasonable and uniformly imposed. As a general rule, a continuity of good standing requirement for candidacy will ordinarily be considered reasonable so long as (1) the qualification provides a reasonable grace period during which members may make up missed payments without loss of eligibility for office and (2) the period of time does not exceed two years. 29 CFR § 452.37. The Department's review of the Local Union Election Guide and IBEW Basic Laws and Policies disclosed that a member can miss up to two consecutive monthly dues payments before losing status as a member in continuous good standing for the designated two-year period. Thus a reasonable grace period applies. Furthermore, the good standing requirement does not exceed two years.

Therefore, the Department has concluded that the Local's rule is reasonable. There was no violation of the Act.

Second, you alleged that the Local did not uniformly impose its good standing requirement as you were disqualified from candidacy, but the union made exceptions for others. The Department's investigation found that, when you were nominated for Business Manager/Financial Secretary in the June 2016 election, you were ruled ineligible for failure to meet the Local's two-year continuous good standing requirement. You admit that you were not in good standing according to the Local's candidate qualification. The investigation confirmed that the Local verified candidate eligibility for all nominees by conducting a review of dues payment history for the two years prior to nomination. As part of its investigation, the Department cross-referenced the Local's dues payment records from May 2014 to May 2016 with the list of eligible candidates. Of the 31 nominees in the election, the Department found that you were the only nominee who did not meet the two-year continuous good standing requirement. The Department found no evidence to suggest that any member was permitted to be a candidate in violation of the good standing requirement. Thus, no violation occurred.

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,

A large black rectangular redaction box covers the signature and name of the sender.

Chief, Division of Enforcement

cc: Lonnie R. Stephenson, International President
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