



January 30, 2018

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your November 7, 2017 complaint filed with the United States Department of Labor (Department) alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred in connection with the April 21, 2017 election of officers in Local 2001 (local or Local 2001) of the Transport Workers Union (TWU), AFL-CIO.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to your specific allegations, that there was no violation of the LMRDA that may have affected the outcome of the election. Following is an explanation of this conclusion.

You alleged that ineligible members were permitted to vote in the election even though they were not employed at the Croton-Harmon or Poughkeepsie yards, and/or were not members in good standing. Specifically, you alleged that four Local 2001 members— [REDACTED] and [REDACTED] — were permitted to vote while on illness/injury leave of absence and not paying dues, and that Local 2001 Secretary-Treasurer Pat Howard was permitted to vote, even though he is no longer working at the Croton-Harmon train yard.

Section 401(e) of the LMRDA provides that every member in good standing shall have the right to vote for or otherwise support the candidate or candidates of his choice. Article XIII, Section 3 of the TWU Constitution requires that members pay monthly dues to remain in good standing. It further provides that any member who authorizes dues check-off shall be considered in good standing regardless of when the member's dues are deducted or paid over to the Union. If an employer fails to check off a member's dues for any month, Section 3 provides that the member shall receive a notice of indebtedness and will remain in good standing if the member pays within thirty days of receiving the notice.

During the Department's investigation, Local 2001 President John Feltz and Secretary-Treasurer Pat Howard explained that it has been TWU's practice to interpret Article XIII, Section 3 to allow members on dues check-off to remain in good standing while on a leave of absence as long as they pay their missed dues when they return to work, a process called "doubling up." The Department gives deference to a labor organization's consistent interpretation of its constitution and bylaws, unless the interpretation is clearly unreasonable. 29 C.F.R. § 452.3. Here, TWU's application of Article XIII, Section 3 is not clearly unreasonable. The Department's investigation established that [REDACTED] and [REDACTED] were all on dues check-off while on leave of absence during the election, and none of them received any dues delinquency notices. They have each begun the process of doubling up on dues since returning to active assignment. Accordingly, all four individuals were members in good standing at the time of the election.

The investigation also revealed that it has been Local 2001's long-standing past practice to permit members, including union officers, who are on leave of absence, to vote in a subdivision election if that worksite was the member's last known work location at the time of the nomination meeting or at the time the member took leave of absence. This policy does not violate the TWU Constitution or Local 2001's Bylaws, which are silent on the subject. The investigation established that Croton-Harmon was the last known work location for [REDACTED], and [REDACTED] before they took leaves of absence for illness/injury. Croton-Harmon was also the last known work location for Howard before he took a leave of absence to serve as Secretary-Treasurer. Accordingly, all five individuals were eligible to vote in the election. 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

cc: John Samuelson, International President
Transport Workers Union of America AFL-CIO
501 3rd Street, NW, 9th Floor
Washington, DC 20001

John Feltz, President
TWU Local 2001
570 Taxter Road
Elmsford, NY 10523

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