



May 12, 2018

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your October 3, 2017 complaint filed with the United States Department of Labor (Department) alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the election of officers held by Southwest Airline Pilots Association (SWAPA or the union) on October 20, 2017.

The Department of Labor conducted an investigation of your allegation. As a result of the investigation, the Department has concluded that no violation occurred that may have affected the outcome of the election. The Department's conclusion is explained below.

In your complaint, you alleged that the winning candidate in the election for Las Vegas Domicile Representative, [REDACTED], was ineligible to run for office based upon a requirement listed in the nomination/election notice that candidates "be continuously assigned to the appropriate domicile from the time nominations close until taking office on January 1, 2018." It is your contention that [REDACTED] was not continuously assigned to the Las Vegas Domicile for the requisite period. The Department of Labor investigation revealed that the requirement in the election notice is not part of the union's constitution and bylaws. A qualification that is not part of the constitution and bylaws or other duly enacted rules of the organization may not be the basis for denial of the right to run for office.

Under Article IV, Section 2(B) of the SWAPA Constitution and Bylaws, in order to be eligible to run for the office of domicile representative, "Representatives shall be Active members in good standing of the Association and shall hold office only at the domicile where elected." To the extent that the language in the notice could be understood as stemming from the union's interpretation of the constitutional requirement, the evidence indicates that [REDACTED] met all candidacy qualifications. The investigation

revealed that, at the time of the election, [REDACTED] was an active member in good standing. Further, he held office in the Las Vegas domicile in which he was elected.

[REDACTED] was also a member of the Las Vegas Domicile from the closing of nominations until taking office in January 2018. The investigation revealed that nominations opened on September 6, 2017, and closed on September 21, 2017. The investigation further revealed that [REDACTED] bid for, and was awarded, a transfer to a position in the Las Vegas Domicile on August 29, 2017. He submitted his nomination and acceptance form a few days prior to the closing date, September 21, 2017, but he did not begin working in the domicile until October 1, 2017. You alleged that he was ineligible to run for Las Vegas domicile representative because the nominations/election notice required him to have started work in the domicile by September 21, 2017, in order to have been "continuously assigned" there from the time nominations closed until taking office on January 1, 2018.

Second Vice President, Tom Gasparolo, verified the eligibility status of each candidate. In reviewing [REDACTED] nomination, he confirmed that [REDACTED] name appeared on the SWAPA membership roster (as being in good standing) and that he was assigned to the Las Vegas Domicile as of August 31, 2017. Gasparolo stated that he followed the same procedure for every candidate. Moreover, the union's practice, to consider a member assigned to a particular domicile once he or she is awarded a transfer, was not unreasonable. Accordingly, no violation occurred.

For the reasons set forth above, the Department has concluded that no violation of the LMRDA occurred that may have affected the outcome of the election. Accordingly, I have closed the file regarding this matter.

Sincerely,

[REDACTED]  
Sharon Hanley  
Chief, Division of Enforcement

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