

**U.S. DEPARTMENT OF LABOR  
OFFICE OF LABOR-MANAGEMENT STANDARDS  
WASHINGTON, DC 20210**

**DETERMINATION**

Determination of a Complaint Filed under Title IV  
of the Labor-Management Reporting and Disclosure Act of 1959

On October 17, 2017, the Secretary of Labor received a complaint alleging violations of Section 401 of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) in the regularly scheduled election of officers conducted in June 2017 by the International Longshoremen's Association (ILA) Local 1740 in San Juan, Puerto Rico.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation concluded that ILA Local 1740 failed to conduct its election in accordance with its constitution, bylaws, and other governing documents in that the officer positions on the ballot differed from those listed in the local's constitution and bylaws. Further, the local failed to conduct its election in accordance with Article XIII, Section 1(b) of the ILA International Constitution in that the written notice of nominations did not contain the offices to be filled. The investigation also found that members were denied a reasonable opportunity to nominate candidates, in that no notice listing the offices to be filled was provided; members could not nominate anyone or be nominated for the positions of treasurer and fourth vocal (the local did not hold nominations for these positions, and they were not placed on the ballot); and one candidate accepted nomination for the guide position but was subsequently listed on the ballot as a candidate for delegate. The investigation also disclosed that the local failed to mail notice of the election to the last known home address of each member. Additionally, the investigation found that the local denied members the right to vote when it failed to allow all of its members to vote for all of the union officers who represent them. Lastly, the investigation disclosed that the local failed to provide adequate safeguards to ensure a fair election when members cast absentee ballots via an informal process that undermined the LMRDA's ballot secrecy requirement.

Apprised of these findings, ILA Local 1740 agreed to conduct a new election under the supervision of the Secretary of Labor, in accordance with Title IV of the LMRDA. The agreed upon remedial election was concluded on October 4, 2018. It is, therefore,

**DETERMINED**, that there is probable cause to believe that violations of Title IV of the LMRDA occurred which may have affected the outcome of the election conducted by ILA Local 1740 in June 2017, but that these violations have been remedied by the new election, conducted in accordance with Title IV of the LMRDA, under the supervision of the Secretary of Labor, on October 4, 2018.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted in June 2017 is not warranted.

Signed this 24th day of January 2019.

A solid black rectangular box redacting the signature of Andrew D. Auerbach.

Andrew D. Auerbach  
Acting Chief, Division of Enforcement

**U.S. Department of Labor**

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



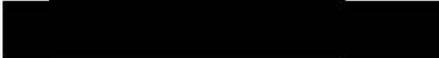
January 24, 2019

Carlos C. Sánchez Ortiz, President  
ILA Local 1740  
Calle 25, J2  
Carolina, PR 00983

Dear Mr. Sánchez Ortiz:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

  
Andrew D. Auerbach  
Acting Chief, Division of Enforcement

Enclosure

**U.S. Department of Labor**

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



January 24, 2019

Harold J. Daggett, President  
International Longshoremen's Association, AFL-CIO  
5000 West Side Avenue, Suite 300  
North Bergen, NJ 07047

Dear Mr. Daggett:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

  
Andrew D. Auerbach  
Acting Chief, Division of Enforcement

Enclosure

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Division of Enforcement  
Washington, DC 20210  
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January 24, 2019



Dear [REDACTED]:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,



Andrew D. Auerbach  
Acting Chief, Division of Enforcement

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Office of Labor-Management Standards  
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January 25, 2019

[REDACTED]

Dear [REDACTED]

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

[REDACTED]

Andrew D. Auerbach  
Acting Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

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



January 24, 2019

[REDACTED]

Dear [REDACTED]:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

[REDACTED]

Andrew D. Auerbach  
Acting Chief, Division of Enforcement

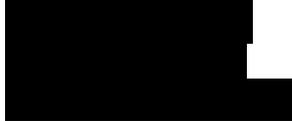
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January 24, 2019



Dear Mr. Ramírez:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,



Andrew D. Auerbach  
Acting Chief, Division of Enforcement

Enclosure