



January 27, 2022

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the Department of Labor (DOL) on August 23, 2021, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the May 20, 2021 election of officers at the conclusion of a period of trusteeship for International Association of Machinists & Aerospace Workers (IAM) Local Lodge 1584.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to each of 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.

As a preliminary matter, Section 401(e) of the LMRDA provides that members shall have a reasonable opportunity to nominate candidates for office prior to an election. 29 U.S.C. § 481(e). According to IAM Official Circular No. 865, *Eligibility and Voting Rights of Retired, Terminated, Laid Off or Exempt Members*, dated June 19, 2017 (2017 IAM Circular), retired members are eligible to vote in Local and District Lodge elections for constitutional officers.<sup>1</sup> The 2017 IAM Circular also provides that members who are no longer working at the trade are not eligible to run for office, but that members who are retired and chose to pay full dues continuously for one year prior to the date of nomination are eligible to run for office, so long as they continue to pay full dues.

You alleged that Local 1584 violated the LMRDA by denying you the reasonable opportunity to nominate candidates for office. Specifically, you alleged that your nominations were not properly processed according to the procedures listed on the Local's nomination form. The investigation established that you attempted to nominate yourself and [REDACTED] for Delegate to District 190 and Delegate to Conferences,

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<sup>1</sup> While the 2017 IAM Circular does not provide specific guidance regarding whether retired members are eligible to nominate candidates for office, the investigation established that at least one retired, non-dues-paying member submitted nominations that were accepted by the Local. Thus, for the purposes of this analysis, the Department will assume that retired members were eligible to nominate.

and ██████ for Secretary-Treasurer. You also wrote in the position of Executive Board Member and attempted to nominate yourself and ██████ for this position. The investigation revealed that, though you followed the proper procedures to submit your nomination, and your form was delivered to the designated P.O. Box before the Local's deadline, it was never picked up, apparently as a result of a postal error. As a consequence, your nomination was never acted upon.

The investigation confirmed that you were ineligible to run for office in the May 2021 election. By letter dated October 9, 2019, you were advised that as a result of a hearing, you would be removed from all offices and "not eligible to run for any position with the IAM for a period of five (5) years," ending in October 2024. "Any position" includes Executive Board Member, Delegate to District 190, and Delegate to Conferences.<sup>2</sup> Indeed, the investigation revealed that retiree ██████ nominated you for Delegate to District 190, and this nomination was not accepted because you were barred from holding union office. Furthermore, the investigation established that you are a retired member who stopped paying dues in 2019. Thus, according to the terms of the 2017 IAM Circular referenced above, you were separately ineligible to run for office on this basis. Accordingly, to the extent that Local 1584 may have violated the LMRDA by denying you the opportunity to nominate yourself for Executive Board, any violation could not have affected the outcome of the election.

The investigation likewise confirmed that ██████ was ineligible to run for office in the May 2021 election. ██████ informed the Department that he retired in 2008 and has not paid dues since that time. Again, pursuant to the 2017 IAM Circular, ██████ retired status, combined with his failure to pay dues in the year leading up to the election, rendered him ineligible to run for office. Therefore, to the extent that Local 1584 may have violated the LMRDA by denying you the opportunity to nominate ██████ for Executive Board, any violation could not have affected the outcome of the election.

The investigation also revealed that, had your nomination of ██████ for Secretary-Treasurer been acted upon, he likely would not have accepted it. The investigation established that retired member ██████ ss nominated ██████ for Recording Secretary and Trustee, and that ██████ accepted the nomination for the unopposed Recording Secretary position.<sup>3</sup> ██████ informed the Department that he regards the position of Secretary-Treasurer as too demanding; that he is not interested in that position despite the higher salary it pays relative to the Recording Secretary Position;

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<sup>2</sup> Neither of the listed delegate positions are LMRDA-covered officer positions. Thus, DOL lacks the jurisdiction to render any decision with respect to these positions.

<sup>3</sup> The investigation established that ██████ did not accept the trustee nomination because members can only run for one office.

that he enjoys serving as Recording Secretary; and that, had you successfully nominated him for Secretary-Treasurer, he likely would have declined the nomination given that the position was contested. Therefore, to the extent that the LMRDA may have been violated with respect to your nomination of [REDACTED] for Secretary-Treasurer, any violation could not have affected the outcome of the election

Finally, you alleged claims that do not constitute violations of the LMRDA, even if true. These allegations are not properly before the Department and were not investigated.

For the reasons set forth above, the Department of Labor concludes that there was no violation of the LMRDA that may have affected the outcome of the election. Accordingly, I have closed the file on this matter.

Sincerely,

[REDACTED]

Tracy L. Shanker  
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