

U.S. Department of Labor

Office of Labor-Management Standards
Suite N-5119
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Washington, D.C. 20210
(202) 693-0143



July 16, 2022



Dear 

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on April 4, 2022, alleging violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA). You alleged that violations occurred in connection with the regularly scheduled election of union officers conducted by Local 689 of the Amalgamated Transit Union (ATU) on December 1, 2021.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to the specific allegations, that no violation occurred that may have affected the outcome of the election.

You alleged that you were improperly disqualified from running for office. You stated that you were among the Local 689 members who were previously members of ATU Local 1764. You alleged that, when Local 1764 members were transferred to Local 689 in or around June 2021, Local 689 agreed to waive the candidate eligibility requirement of two years in continuous good standing for the affected members in Local 689's 2021 officer election. You alleged that the Local 689 election committee ruled you ineligible to run for office, despite that you had paid your dues in full, but that Local 689 permitted other former members of Local 1764 to run for office.

Section 401(c) of the LMRDA prohibits disparate treatment among candidates for union office, and section 401(e) requires that members in good standing shall be eligible to be candidates and to hold office, subject to reasonable qualifications uniformly imposed. 29 U.S.C. §§ 481(c), (e). The qualifications for candidacy to Local 689 office are contained in section 14.2 of the ATU Constitution and General Laws and section 8(a) of Local 689's bylaws, both of which require a candidate for office to have been a member in continuous good standing of their local union for two years preceding the date of nominations. Section 21.11 of the ATU Constitution and General Laws provides that a member who has fallen out of good standing because of non-payment of dues may be reinstated to good standing by paying their arrearage and reinstatement fees within 12 months. Under ATU's long-standing interpretation of section 21.11, a member who has

fallen out of good standing during the two-year period before nominations may become eligible to run for office by paying all back dues owed to the local prior to the nomination meeting.

The Department's investigation established that it is ATU policy to give transferred members credit for prior membership in other ATU locals when applying the two-year continuous good standing requirement. The investigation established that Local 689 included members' time in Local 1764, as well as their dues payments to both locals, in determining whether the members met the two-year continuous good standing requirement to run for office.

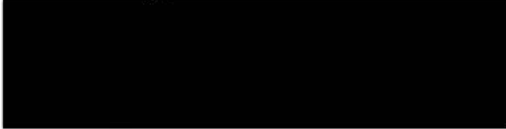
The Department's investigation established that Local 689 deemed you ineligible to run for office not because of any non-payment of dues but, rather, because there was a break in your ATU membership during the two years preceding nominations. Specifically, the investigation found that you resigned from membership in Local 1764 on December 5, 2019, and that you were not a member of any ATU local until approximately June 2021, when you joined Local 689. The Department's investigation thus established that you were properly disqualified from running for office because you did not meet the two-year continuous good standing requirement.

The investigation further determined that you were treated similarly to another Local 689 member who had been a member of Local 1764 in the past but who had been suspended from Local 1764 membership for a period during the two years preceding Local 689 officer nominations. Like you, that member was properly ruled ineligible because she did not meet the two-year continuous good standing requirement. By contrast, former Local 1764 members who had at least two years of continuous membership in the two ATU locals combined, and who paid any back dues owed prior to the nomination meeting, were properly determined to have met the two-year continuous good standing requirement and permitted to run for office.

The Department's investigation did determine that Local 689 improperly allowed three former Local 1764 members who did not meet the two-year continuous good standing requirement because of non-payment of dues to run for office. In each case, the union's records showed that the candidate missed dues payments in the two-year period; the records contained no indication that the member paid the arrearage prior to the nomination meeting; and yet the member was allowed to run for office. However, under section 402(c) of the LMRDA, a union election is set aside only where the violation may have affected the outcome of the election. 29 U.S.C. § 482(c). In all three cases, the former Local 1764 member who was improperly allowed to run for office lost the election to a member who was properly deemed eligible. Therefore, this violation could not have affected the outcome of the election.

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,



Tracy L. Shanker
Chief, Division of Enforcement

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