



December 9, 2022



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the United States Department of Labor (Department) on July 18, 2022. The complaint alleged that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 ("LMRDA" or "Act"), occurred in connection with the election of officers, conducted by the International Longshoremen's Association ("ILA"), Local 24 ("Local 24" or "union"), which was completed on April 8, 2022.

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

You alleged that ILA Local 24 permitted ineligible members to vote in the general and runoff elections conducted on April 1 and 8, 2022, respectively. Specifically, you alleged that members who joined the union after 1983 were neither vested nor earned enough seniority credits to vote according to the ILA's 1983 Hiring Hall Procedures and Standard Rules. Accordingly, you claimed that because the seniority provisions had been revised immediately prior to the election, members who voted in the April 2022 elections as well as prior elections were not vested and thus, were ineligible to vote.

Section 401(e) of the LMRDA provides that every member in good standing is entitled to one vote and that officer elections must be conducted in accordance with the union's constitution and bylaws insofar as they are not inconsistent with the Act. 29 U.S.C. § 481(e). Article XXII, Section 18 of the ILA Constitution and Rules of Order requires every local union to have a seniority system requiring a minimum of 700 work hours or credited hours to establish a year of service. Such seniority system based on years of service shall be used to determine priority of employment for hiring purposes. Article IX, Section 3 of ILA Local 24's Bylaws states that members must present their membership identification cards at all elections, and only members in good standing will be permitted to vote. No provision of the Hiring Hall Procedures and Standing Rules addresses voter eligibility in local officer elections.

The investigation revealed that any member in good standing was eligible to vote in the April 2022 elections, regardless of seniority status. Although Local 24 revised its seniority list after noticing discrepancies in members' seniority classifications, those changes did not affect members' eligibility to vote. Seniority status is not linked to voter eligibility; rather, seniority status is used for hiring purposes, alone. The Department confirmed that 36 of the 51 members on the revised seniority list were recorded eligible to vote in both the general and runoff elections completed in April 2022. Of those 36 eligible members, 27 members voted in the April 1, 2022 election and 30 members voted in the April 8, 2022 runoff election. The remaining 15 members were not on the eligibility lists and did not vote in the general or runoff election. There was no violation of the LMRDA.

For the reasons set forth above, the Department has concluded that there were no violations of the LMRDA that may have affected the outcome of the election. Accordingly, the office has closed the file on this matter.

Sincerely,



Tracy L. Shanker
Chief, Division of Enforcement

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