



June 14, 2023



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the Department of Labor (Department) on February 17, 2023, alleging violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA), 29 U.S.C. §§ 481-83. You alleged that violations occurred in connection with the union's decision to rerun the August 14, 2022 election of union officers conducted by Joint Council 43, an intermediate body of the International Brotherhood of Teamsters (IBT).

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 there was no violation of the Act. Following is an explanation of this conclusion.

Section 402(a) of the LMRDA requires that a union member exhaust internal union remedies before filing a Title IV complaint with the Department. 29 U.S.C. § 482(a). This requirement was included in the LMRDA to give unions a chance to correct election problems and deficiencies themselves, thereby preserving a maximum amount of independence and encouraging responsible self-governance. In furtherance of this legislative objective, the Department accords a certain degree of deference to a union's decision to hold a new election in response to internal union election protests. The Department will not seek to reverse a union's remedial decision to hold a new election unless it is apparent that the decision was based on the application of a rule that violates the LMRDA; the decision was made in bad faith, such as to afford losing candidates a second opportunity to win; or the decision is otherwise contrary to the principles of union democracy embodied in the LMRDA and holding a new election was unreasonable.

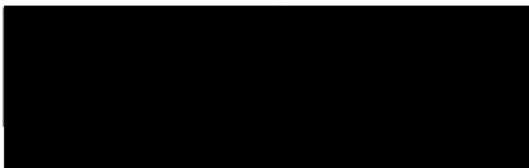
On August 16, 2022, Kevin Moore protested the August 14, 2022 election, contending that delegates from Graphic Communications Conference (GCC) District Council 3 should not have been allowed to participate. On October 21, 2022, IBT General President O'Brien issued a decision, agreeing with the protest and ordering a rerun of the election. In pertinent part, President O'Brien found that the challenged delegates were not eligible to participate because GCC District Council 3 was not properly affiliated with IBT Joint Council 43.

You contended that the delegates from GCC District Council 3 were eligible to participate in the election pursuant to an affiliation agreement between IBT Joint Council 43 and GCC District Council 3 signed on March 14, 2010. The subject line of the purported affiliation agreement is "Affiliation Negotiations," and the body of the document describes several "Tentative Areas of Agreement." You also contended that, after the affiliation agreement was signed, GCC District Council 3 began paying per capita taxes to Joint Council 43 and participating in all Joint Council 43 elections. President O'Brien found that, under the 2004 merger agreement between IBT and the Graphic Communications International Union, affiliations between IBT Joint Councils and GCC District Councils must be approved by the IBT General President and the GCC President. President O'Brien found no evidence that the affiliation agreement was approved by then-IBT General President James P. Hoffa or by the GCC President. You have presented no evidence that the required approvals were ever received. The Department's investigation confirmed these findings.

Based on these findings, IBT had valid reasons to order a rerun of the election and to require proof that the affiliation agreement was duly approved before permitting the participation of the delegates from GCC District Council 3. The Department's investigation found no evidence that the rule was applied in way that was contrary to the LMRDA, that the decision to rerun the election was made in bad faith, or that the decision is otherwise contrary to the principles of union democracy embodied in the LMRDA and holding a new election was unreasonable. Given the degree of deference afforded unions when conducting their own internal affairs and the reasonableness of IBT's decision based on the facts of this case, there was no violation of the LMRDA.

For the reasons set forth above, the Department has concluded that there was no violation of the LMRDA that may have affected the outcome of the election. Accordingly, the office has dismissed your complaint and closed its file in this matter.

Sincerely,



Chief, Division of Enforcement

cc: Sean M. O'Brien, General President  
International Brotherhood of Teamsters  
25 Louisiana Avenue, NW  
Washington, DC 20001

Kevin Moore, President  
Michigan Teamsters Joint Council 43  
2741 Trumbull Avenue  
Detroit, MI 48218