



July 14, 2023

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your January 20, 2023 complaint filed with the Department of Labor (Department), alleging that the International Association of Machinists and Aerospace Workers (IAM) violated Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) when it ordered Local Lodge 949 (LL 949) to void your uncontested November 8, 2022 election to the position of vice president on the basis you did not satisfy the constitution's meeting attendance requirement, and also ordered LL 949 to re-open nominations for that position without adhering to the meeting attendance requirement, and re-run the election.

The Department investigated the complaint. As a result of the investigation, the Department has concluded, with respect to the allegations, that there was no violation of the LMRDA that may have affected the outcome of the election.

You allege that your disqualification was improper because you satisfied the meeting attendance requirement, in part, through a constitutional exemption based on your service as a Grand Lodge Representative. You also allege IAM did not properly account for the exemption and disqualified you for political reasons.

Section 401(e) of the LMRDA requires unions to conduct their elections in accordance with their constitutions and bylaws, allowing unions to interpret unclear provisions of their governing documents. 29 U.S.C. § 481(e). The Department is required to accept a union's consistent interpretation of its governing documents unless it is clearly unreasonable. *See* 29 C.F.R. § 452.3. Furthermore, the LMRDA envisions providing unions an opportunity to correct election problems and deficiencies before complaints are filed with the Secretary of Labor, thereby preserving a maximum amount of independence and encouraging responsible self-government. In furtherance of this legislative objective, the Secretary accords a degree of deference to decisions on internal union election protests providing for the conduct of a new election. 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, or the decision is otherwise contrary to the principles of union democracy embodied in the statute and holding a new election is unreasonable.

The investigation established that under Article IV, Section 2 of LL 949's Bylaws, members are only eligible to hold union office if they have attended fifty percent of the regular lodge meetings in the year prior to nominations. Members who are Grand Lodge Representatives are exempt from this requirement during their service. You were a Grand Lodge Representative for part of the year preceding the November 8, 2022 nominations meeting and election, and you argue you satisfied the meeting attendance requirement in part through this exemption. Specifically, under your preferred methodology, you would receive credit for attending meetings that occurred while you were a Grand Lodge Representative, even if you did not attend those meetings. You also state in your complaint that whether you satisfied the meeting attendance requirement is not relevant because you were the only candidate nominated for vice president, and LL 949 has a practice of waiving the attendance requirement when only one candidate runs.

IAM investigated and determined you did not satisfy the meeting attendance requirement. Specifically, IAM applied a different methodology to calculate meeting attendance. As codified in Official Circular 869, Grand Lodge Representatives do not receive attendance credit for meetings that occur during their service; instead, they must attend at least fifty percent of the meetings that occur during the period when they do not have an exemption. Only meetings at which a quorum was present are factored into the analysis. Under this methodology, IAM determined you needed to attend two meetings, and that you only attended one. The investigation found IAM's interpretation of the meeting attendance requirement was both consistent and reasonable. In particular, IAM followed pre-existing guidance in the form of Official Circular 869. You allege that you actually attended two meetings, but failed to sign in for one of the meetings. Given the lack of evidence to substantiate your claim, IAM's decision to void your election to the vice presidency was reasonable and did not violate the LMRDA.

IAM's decision to order LL 949 to re-open nominations for vice president without adhering to the meeting attendance requirement and re-run the election for that position was also reasonable. First, no qualified candidates for the position were nominated. Second, IAM determined LL 949's membership was not provided sufficient notice that the attendance requirement would be waived. Finally, as you note in your complaint, the attendance requirement disqualified almost the entire membership from holding office. Under these facts, IAM's decision to waive the meeting attendance requirement and re-open nominations during its re-run election does not violate the

LMRDA, was not made in bad faith, and is not otherwise contrary to the principles of union democracy.

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

Sincerely,




Tracy L. Shanker  
Chief, Division of Enforcement

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