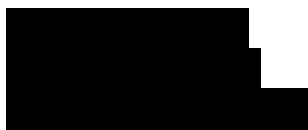




April 18, 2016



Dear [REDACTED]

This Statement of Reasons is in response to the complaint you filed on July 29, 2015, alleging that a violation of Title IV of the Labor Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the United Brotherhood of Carpenters and Joiners of America, Millwright Pile-Driver, Local 1090 election held on May 19, 2015.¹

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

You alleged that the in-person attendance requirement at the single nomination meeting held in Columbus, Ohio denied some members a reasonable opportunity to nominate and be nominated as candidates for office because of the distance that they had to travel in order to attend this meeting. Section 401(e) of the LMRDA provides that in any election subject to Title IV, a reasonable opportunity shall be given for the nomination of candidates. A union may employ any method for nomination of candidates that will provide a reasonable opportunity to make nominations. 29 C.F.R. § 452.57(a). Whether a particular procedure satisfies the requirements of the Act depends on the particular facts of the case; application of a particular procedure in a given instance may make nomination so difficult as to deny the members a reasonable opportunity to nominate. 29 C.F.R. § 452.57(b). A requirement that members must be present at the nomination meeting in order to be nominated may be considered unreasonable under certain circumstances. 29 C.F.R. § 452.59. For example, in the absence of a provision for an alternative method under which a member who is unavoidably absent from the nomination meeting may be nominated, such a restriction might be regarded as

¹ According to the combined notice of nominations and elections, the nominations meeting was scheduled for May 19, 2015, to be followed by the election on June 16, 2015. At the May 19 meeting, however, all those nominated were unopposed and elected by acclamation.

inconsistent with section 401(e)'s requirement that there be a reasonable opportunity to nominate and to be a candidate. *Id.*

Section 31(D) of the United Brotherhood of Carpenters' (UBC) Constitution provides that nominees must be present at the time of nomination, "except that the member . . . in the anteroom on authorized business or out on official business, or prevented by accident, sickness, or other substantial reason accepted by the Local" may also be nominated. Section 31(G) of the Constitution further provides that "[t]o be eligible to nominate a member for a Local Union officer . . . position, a member must be a member in good standing of the Local Union at the time of nominations." The Constitution contains no procedure by which members who wish to nominate others can apply for an exception to the nomination meeting attendance requirement.

The investigation showed that Local 1090 is the product of a 2011 merger of five Ohio locals and therefore has members who live throughout the state of Ohio and in parts of Indiana, Kentucky, and West Virginia. The investigation also showed that a postcard nominations and elections notice was mailed to members on April 29, 2015, to inform them that the nomination meeting would be held on May 19, 2015, in Columbus, Ohio. The notice stated that the method for making nominations was "[o]rally from the floor by [m]embers in [g]ood [s]tanding."

The investigation established that about seven percent of Local 1090's members lived more than 150 miles from the site of the nomination meeting in Columbus. Additionally, the investigation established that the union received one request for an exception to the nomination meeting attendance requirement, which was granted. This member arranged for two members who were planning to attend the meeting to nominate him for the positions of treasurer and delegate.

You stated that you were unable to attend the meeting in Columbus because you could not afford to drive there and because of physical problems. You indicated that you were not planning to nominate anyone, but that you may have spontaneously nominated someone had you attended the meeting. You also stated that you did not know anyone who wanted either to be nominated or to nominate someone else, but was unable to do so because he could not attend the nomination meeting.

The Department conducted a survey by mail of those active members in good standing living more than 150 miles from Columbus to determine whether any were prevented from nominating a candidate for office because of the meeting location. Eighteen survey respondents stated that they did not attend the meeting because of the distance, but only one indicated a desire to make a nomination. However, when OLMS contacted this respondent, he stated that he was not interested in nominating anyone in particular, including himself.

The Department has determined that Local 1090's nomination process, which requires in-person attendance of both nominees and nominators at the nominations meeting except when the Local accepts a nominee's "substantial reason," despite the fact that many Local 1090 members live more than 150 miles from the site of the nominations meeting, does not afford members a reasonable opportunity to nominate candidates for office. However, the investigation revealed no evidence that the distance prevented any member who wished to be nominated or to make a nomination from doing so, or that any nominations were ignored or refused. Accordingly, the investigation did not reveal sufficient evidence to conclude that a violation occurred that may have affected the outcome of the election.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA that may have affected the outcome of the election. As to allegations in your complaint to the Department not addressed in this Statement of Reasons, these allegations, even if true, would not constitute violations of Title IV and would not provide a basis for action to overturn the instant election. Therefore, I am closing the file regarding this matter.

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

cc: Douglas J. McCarron, General President
United Brotherhood of Carpenters and Joiners
101 Constitution Avenue, N.W., 10th Floor
Washington, DC 20001

Don Crane, President
United Brotherhood of Carpenters and Joiners of America Local 1090
47 Alice Dr.
Akron, OH 44319

Beverly Dankowitz, Acting Associate Solicitor
Civil Rights and Labor-Management Division