



May 16, 2016

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your complaint dated October 28, 2015, and filed with the U.S. Department of Labor ("the Department") alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 ("the LMRDA") occurred in connection with the election of officers conducted by the Laborers International Union of North America (LIUNA), Local Union 79 ("the Local") in June 2015.

The Department 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. Following is an explanation of this conclusion.

You alleged that a business agent and several shop stewards were terminated or replaced for opposing the "Clean Slate." In *Finnegan v. Leu*, 456 U.S. 431 (1982), the U.S. Supreme Court held that the LMRDA does not protect a member's rights as an *employee*. While the LMRDA prohibits retaliatory actions affecting a union member's rights or his status as a union member, the Act does not protect his rights as an *employee* of the union. Accordingly, the allegedly retaliatory termination of individuals from their union employment was not a violation of Title IV of the LMRDA.

You also alleged that retirees were contacted by supporters of the Clean Slate, and suggested that this was the result of the Local providing contact information to the Clean Slate, which it refused to provide to the opposing "Integrity Slate." The investigation did not substantiate that any union lists of retirees were used for campaign purposes; the fact that Clean Slate supporters contacted individual retirees is not a violation of the LMRDA.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred that may have affected the outcome of the election. Accordingly, the office has closed the file on this matter.

Sincerely,

Sharon Hanley, Chief
Division of Enforcement
Office of Labor-Management Standards

cc: Terry O'Sullivan, General President
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