



July 26, 2016

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your December 21, 2015 complaint filed with the United States Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA or Act) occurred in connection with the election of officers of the International Alliance of Theatrical Stage Employees Local 706 (Local 706) conducted on November 5, 2015.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to each of your allegations, that there was no violation of the Act affecting the outcome of the election.

You alleged that Local 706 applied an unreasonable candidate qualification rule in requiring members to either work 120 days in the past 36 months or to submit a notarized "Affidavit of Employment and/or Availability of Employment" in order to run for office. Section 401(e) of the LMRDA provides that every member in good standing shall be eligible to be a candidate and to hold office, subject to reasonable qualifications uniformly imposed. The Department's regulations explain that it is ordinarily considered reasonable for a union to require candidates to have been working at the trade for a reasonable period. 29 C.F.R. § 452.41(a).

The Department's investigation determined that the Local 706 requirement to qualify for candidacy was reasonable, because it only required a notarized statement setting forth sufficient facts that a candidate was actively seeking employment, permitting most members in good standing who did not meet the work-in-trade requirement to run for office. The investigation also determined that Local 706 applied the candidate qualification uniformly to all candidates. At least one candidate who did not meet the work-in-trade requirement was permitted to run by submitting the notarized affidavit. Additionally, Local 706 extended the deadline to submit an affidavit for you and another nominee after clarifying that the "Affidavit of Employment and/or Availability

of Employment" Local 706 provided to candidates was only a sample affidavit. There was no violation of the Act.

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

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

cc: Matthew D. Loeb, International President
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