



November 1, 2016



Dear [REDACTED]:

This Statement of Reasons is in response to your June 16, 2015 complaint to the U.S. Department of Labor (Department), alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the election of officers of Local 78 (local or Local 78), Laborers' International Union of North America (International), that was held on June 20, 2015.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department concluded that there were no violations that may have affected the outcome of the election.

You alleged that the local improperly disqualified you when it determined that you were not "working at the calling." Section 401(e) of the LMRDA provides, in relevant part, that every member in good standing shall be eligible to be a candidate, subject to reasonable qualifications. The local's eligibility requirements are contained in the International's Uniform Local Union Constitution (ULUC), including the "working at the calling" provision. Article V, section 4 of the ULUC provides that no one shall be eligible to hold any office in the local if he or she is not regularly working at the calling of the International during the entire year immediately prior to nominations. The provision defines "working at the calling" to include periods of unemployment as long as the member was available for and continuously and actively seeking employment at the calling which shall be understood to require full compliance with the lawful rules of the referral service or hiring hall operated by the local. *See* Article V, section 4(d). The Local 78 Hiring Hall rules, effective May 1, 2013, contain the relevant hiring hall procedures. Section 1 provides that an applicant seeking referral to a job must register for the local hiring hall's texting service established for that purpose. Text messages will be sent to all those registered, with the job qualifications, location, and number of handlers sought. If interested in the job, the member must send a text message back and wait for a call to verify the information.

The investigation disclosed that you did not work for any covered employer during the one year prior to the May 5-6, 2015 nominations period. In addition, it appears you

were not actively seeking employment with a signatory employer. The investigation disclosed that of the approximately 100 text messages sent to you from the local's hiring hall, you responded to only six text messages; four of your responses were in the month of October 2014. The local properly disqualified you for not working at the calling for the year immediately preceding nominations because you failed to follow the local's hiring hall procedures for obtaining covered employment, and therefore cannot be said to have been continuously and actively seeking employment at the calling. There was no violation.

You also alleged that the local improperly disqualified you because it determined you were not literate. Even if this allegation were substantiated, no action can be taken on this issue because you were properly disqualified for not working at the calling. Consequently, this allegation is dismissed.

For the reasons set forth above, your complaint to the Department is dismissed, and I have closed the file in this matter.

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

cc: Terry O'Sullivan, General President
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