



November 1, 2016

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your June 16, 2015 complaint to the U.S. Department of Labor 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 in 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 runoff 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. Working at the calling" includes 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 ULUC, 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.

To be eligible to run for local union office, members had to be working at the calling for the entire year immediately prior to the May 5-6, 2015 nominations meetings. The investigation disclosed that you were unemployed from August-November 2014, and

again from January 2015 through the nominations period. Although you registered with the text messaging referral system, you admitted you did not respond to any text message referrals from the hiring hall. Consequently you were not in compliance with the hiring hall rules and cannot be said to have been actively seeking employment with a covered employer. As such, the local properly ruled you ineligible to run for office for failing to meet its working at the calling requirement. There was no violation.

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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