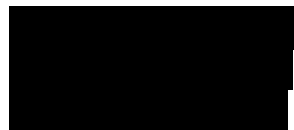




August 4, 2017



Dear [REDACTED]

This Statement of Reasons is provided in response to the complaint you filed with the Department of Labor on February 27, 2017, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of union officers for the Air Line Pilots Association (ALPA), Local Election Council 54 (LEC 54), conducted on November 10, 2016.

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

You alleged that the nomination notice was not mailed to the membership by the deadline set forth in the ALPA Constitution. Section 401(e) of the LMRDA requires a union to provide reasonable opportunity for the nomination of candidates for office. To meet this requirement the union must give timely notice reasonably calculated to inform members of information necessary to be nominated for office. See 29 CFR 452.56. The Department's investigation revealed that the ALPA constitution requires that a nomination notice be mailed to members no less than fifteen days prior to the nomination meeting. Compliance with the constitution's provision concerning the mailing of the election notice would satisfy the Act's requirement of timely notice. The nomination meeting was held on September 26, 2016. A nomination notice was emailed to the membership on August 20, 2016, and mailed to the membership on September 8, 2016, more than 15 days before the meeting. There was no violation.

You alleged that election notice was not sent by the deadline set forth in the ALPA Constitution. The investigation revealed that the notice of election deadline set forth in the ALPA constitution far exceeds the notice requirements of the LMRDA. Section 401(e) of the LMRDA requires a notice of election to be mailed to members at their last known home address no less than 15 days before the election. Article 3, Section 8(2) of the Constitution requires that the election notice be mailed to members "no later than the tenth day of that month which precedes by four months the start date of the term of office." Noncompliance with the Act's time period would provide the basis for

litigation by the Secretary. Violation of the time period in the union's constitution would not, without more, provide the basis for litigation. The investigation revealed that the election notice was mailed to the membership on October 13, 2016. Further, Electronic voting in this election ended November 10, 2016. Notice was therefore sufficient under both the LMRDA and the union's constitution and bylaws. There was no violation.

You alleged that the nomination meeting was not conducted in accordance with ALPA's constitution and bylaws. Specifically you alleged that the nominations and candidate qualification process was not clear; therefore, it was not clear who had been nominated for which office and whether the individual accepted the nomination. The Department's investigation found that the nominations meeting conformed sufficiently to the procedures provided for in Article 3, Section 7 of the ALPA Constitution. Moreover, there was no evidence that anyone was prevented from nominating or being nominated. The union initially erred in concluding that [REDACTED] was not in good standing. However, this error was corrected. [REDACTED] was found eligible and was nominated for secretary-treasurer, garnering a place on the ballot as one of the top two vote earners. There was no violation.

You alleged that incumbent president Jud Crane campaigned using a union laptop in the crew lounge. Section 401(g) of the LMRDA prohibits the use of union resources in the course of a campaign and section 401(c) also requires a union to provide adequate safeguards to ensure a fair election. The incumbent acknowledged that he permitted members in the crew lounge to use his computer to vote when the computers in the lounge were not working. Multiple witnesses corroborated Mr. Crane's statement that he did not campaign while in the lounge or ask members about their vote. Therefore, there is no evidence that union resources were used to campaign.

Next, you alleged that the incumbent president retaliated against one of your supporters by causing him to lose his position as a member of the Masters Executive Council (MEC). You also alleged that the incumbent president used an email from the MEC chairman in a campaign email and permitted members of an LEC 54 committee to endorse him in an email. Section 401(g) of the LMRDA prohibits the use of union resources to promote a candidate, and section 401(c) prohibits disparate candidate treatment. However, the investigation did not reveal any evidence to support your allegation that the incumbent president forced your supporter's resignation from the MEC. Finally, the emails from President Crane's committee supporters did not identify their positions on the LEC 54 committee, and in any event, the LMRDA allows officers to support the candidates of their choice so long as no union funds are used in doing so. There was no violation.

For the reasons set forth above, there is insufficient evidence that any violation may have occurred that affected the outcome of the election. Accordingly, the office has closed the file on this matter.

Sincerely,



Sharon Hanley
Chief, Division of Enforcement

cc: Tim Canoll, President
Air Line Pilots Association International
1625 Massachusetts Ave NW, Suite 800
Washington, DC 20036

Judson D. Crane, Captain Representative
ALPA LEC 54
535 Herndon Parkway
Herndon, VA 20170

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



August 4, 2017



Dear [REDACTED]:

This Statement of Reasons is provided in response to the complaint you filed with the Department of Labor on February 27, 2017, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of union officers for the Air Line Pilots Association (ALPA), Local Election Council 54, conducted on November 10, 2016.

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

You alleged that the nomination notice was not mailed to the membership by the deadline set forth in the ALPA Constitution. Section 401(e) of the LMRDA requires a union to provide reasonable opportunity for the nomination of candidates for office. Section 401(e) also directs union election officials to conduct a union election in accordance with the union's constitution and bylaws. The Department's investigation revealed that the ALPA constitution requires that a nomination notice be mailed to members no less than fifteen days prior to the nomination meeting. The nomination meeting was held on September 26, 2016. A nomination notice was emailed to the membership on August 20, 2016, and mailed to the membership on September 8, 2016, more than two weeks before the meeting. There was no violation.

You alleged that election notice was not sent by the deadline set forth in the ALPA Constitution. Article 3, Section 8(2) of the Constitution requires that the election notice be mailed to members "no later than the tenth day of that month which precedes by four months the start date of the term of office." As the term of office for this election started March 1, 2017, the election notice had to be mailed by November 10, 2016. The election notice was mailed to the membership on October 13, 2016. Further, section 401(e) of the LMRDA requires a notice of election to be mailed to members at their last known home address no less than 15 days before the election. Electronic voting in this election ended November 10, 2016, and there was therefore sufficient notice. There was no violation.

You alleged that the nomination meeting was not conducted in accordance with ALPA's constitution and bylaws. Specifically you alleged that the nominations and candidate qualification process was not clear and therefore it was not clear who had been nominated for which office and whether the individual accepted the nomination. Section 401(e) of the LMRDA requires a union to provide reasonable opportunity for the nomination of candidates for office and directs union election officials to conduct a union election in accordance with the union's constitution and bylaws. The Department's investigation did not reveal any evidence to substantiate the allegation that the nomination meeting was not conducted in accordance with the union's constitution and bylaws. There was no evidence that anyone was prevented from nominating or being nominated. The union corrected its initial error of concluding that [REDACTED] was not in good standing. He was found eligible and was nominated for secretary-treasurer, garnering a place on the ballot as one of the top two vote earners. There was no violation.

You alleged that incumbent president Jud Crane campaigned using a union laptop in the crew lounge. Section 401(g) of the LMRDA prohibits the use of union resources in the course of a campaign and section 401(c) also requires a union to provide adequate safeguards to ensure the integrity of the election. The incumbent acknowledged that he permitted members in the crew lounge to use his computer to vote when the computers in the lounge were not working. Multiple witnesses corroborated Mr. Crane's statement that he did not campaign while in the lounge or ask members about their vote and there is, therefore, no evidence that union resources were used to campaign. While allowing members to vote using his laptop could have compromised voter secrecy, this allegation was not made by you and, in any event, any such violation relating to the members who used the computer could not have affected the outcome of the election.

Next, you alleged that the incumbent president retaliated against one of your supporters by causing him to lose his position as a member of the Masters Executive Council. You also alleged that the incumbent president used an email from the MEC chairman in a campaign email and permitted members of an LEC 54 committee to endorse him in an email. Section 401(g) of the LMRDA prohibits the use of union resources to promote a candidate and section 401(c) prohibits disparate candidate treatment. However, the investigation did not reveal any evidence to support your allegation that your supporter's resignation from the MEC was caused by the incumbent president. Finally, the emails from President Crane's committee supporters did not identify their positions on the LEC 54 committee, and in any event, there was no rule against officers endorsing candidates. There was no violation.

For the reasons set forth above, there is insufficient evidence that any violation may have occurred that affected the outcome of the election. Accordingly, the office has closed the file on this matter.

Sincerely,



Sharon Hanley
Chief, Division of Enforcement

cc: Tim Canoll, President
Air Line Pilots Association International
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