



February 23, 2017



Dear Mr. [REDACTED]

This Statement of Reasons is in response to your November 16, 2016 complaint 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 (LMRDA or the Act) occurred in connection with the election of officers conducted by the International Association of Machinists and Aerospace Workers (IAM or the International), Local Lodge 751-F (the Local).

The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded that no violation occurred. The following is an explanation of this conclusion.

You alleged that the Local failed to follow its constitution and bylaws when a member not in good standing made several candidate nominations. Specifically, you alleged that [REDACTED] was not in good standing because she holds membership in two different unions, has never worked at the trade, and was a nonelected manager. According to the Local's Bylaws, Article III, Section 6 requires that, "all nominations must be made from the floor by a member in good standing." Section 401(e) of the LMRDA requires that a union's nomination procedures must conform to the union's constitution and bylaws so long as they are not inconsistent with the Act. Therefore, the Department reviewed whether [REDACTED] was in good standing according to the Local's constitution and bylaws.

The investigation confirmed that [REDACTED] is a member of the Local and the Communications Workers of America (CWA), Local 37082. However, membership in two unions does not disqualify a member from good standing according to Article I, Section 1 of the IAM Constitution and the International's interpretation and application of that provision. The IAM Constitution specifically prohibits "advocate[ing] for dual

unionism. . ." but does not specifically prohibit membership in two unions. [REDACTED] is a member of two unions solely for collective bargaining purposes. The International confirmed that this is common practice amongst members and does not affect a member's good standing. The Department accepts "the interpretation consistently placed on a union's constitution by the responsible union official or governing body [...] unless the interpretation is clearly unreasonable." See 29 C.F.R. 452.3. The Department also found that the "working at the trade" requirement, which you referred to in your complaint, applies to *candidates* for office, but does not govern a member's good standing necessary to make nominations. Therefore, whether [REDACTED] was working at the trade is irrelevant to her good standing status for nominations. Further, to the extent that you allege that she did not meet the membership requirement, the investigation also confirmed that she does under Article I, Section 1 of the IAM Constitution. Finally, the investigation confirmed that [REDACTED] job position and duties are not as a manager. Thus, in reviewing your allegations, the International's response, the Local's Constitution and Bylaws and a review of records applicable to [REDACTED] position and union membership, the Department is persuaded that [REDACTED] was in good standing, and her nominations conformed to the Local's Constitution and Bylaws. Further, [REDACTED] only made nominations for non-LMRDA positions. Even if there had been a violation of the constitution, there would have been no effect on the outcome of the election for purposes of the LMRDA. Thus, there was no violation of the Act.

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,

[REDACTED]

Chief, Division of Enforcement  
Office of Labor-Management Standards

cc: Mr. Robert Martinez, Jr., International President  
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OLMS/DOE//FPB N-5119//

<b>Initials</b>	AJD	SEH		
<b>Date</b>	1/31/17	2/10/2017		
<b>Last Name</b>	Dunn	HANLEY		
<b>Title</b>	DOE Inv.	DOE Chief		

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