



January 27, 2017

Dear [REDACTED]

This Statement of Reasons is in response to your complaint filed on June 10, 2016, 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 conducted by the International Union of Painters and Allied Trades, Local 913, AFL-CIO (Local 913) on June 1, 2016.

The Department of Labor (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 that may have affected the outcome of the election.

You alleged that the financial secretary of Local 913 did not determine the eligibility of the officer nominees as required by the union's Constitution. Section 401(e) of the LMRDA provides that the election be conducted in accordance with the labor organization's constitution and bylaws. Section 211(d) of the International Union's Constitution provides that the Financial Secretary shall at the time of nominations review the eligibility for office of any candidate and make a report on each candidate at the nominating meeting. The Department's investigation revealed that Financial Secretary [REDACTED] was hospitalized at the time of nominations and could not check the good standing qualifications for the nominees at the nomination meeting. In his absence, Painters District Council 16 Business Representative [REDACTED] assumed these duties at the nomination meeting. The investigation verified that all nominators and nominees met eligibility requirements. Nothing in the constitution forecloses another individual from performing necessary duties at a nominations meeting in the absence of the designated officer. There was no violation.

Your complaint to the Department also made allegations that were not timely exhausted by you in accordance with Painters Local 913's election protest procedures and Section 402(a) of the LMRDA. Consequently, the Secretary lacks the authority to

consider the merits of these issues and they were not investigated. 29 C.F.R. § 452.135 (a).

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA that may have affected the outcome of the election, and I have closed the file regarding this matter.

Sincerely,



Sharon Hanley
Chief, Division of Enforcement

cc: Kenneth E. Rigmaiden, General President
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