



July 25, 2017



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint that you filed with the U.S. Department of Labor on May 8, 2017, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the run-off election for president conducted by International Longshoremen's Association, Local 24 ("the Local") on January 20, 2017.

The Department of Labor conducted an investigation of your complaint. As a result of the investigation, the Department has concluded that no violation of the LMRDA occurred that may have affected the outcome of the election.

You alleged that the Local's ballot count was inaccurate and that there were discrepancies in the total number of members who voted. Specifically, you identified a discrepancy between the number of individuals who signed in to vote in the election and the final ballot tally.

The Local reported that 582 members had signed in to vote in the election. The Department of Labor investigation determined that only 555 members signed in to vote. The union miscounted the sign-in sheets, counting one of the sign-in sheets twice and leading to the erroneously reported 582 number. With regard to any discrepancy between the number of members who signed in to vote and the final ballot tally, the investigation revealed that each of the 555 members signing in to vote was issued a PIN number. The member had to enter the PIN number into the voting machine in order to cast a ballot. The PIN number expired after 30 minutes, if the number had not been used. The Department's investigation confirmed that, of the 555 PIN codes issued, 553 were used to cast ballots, while two PIN codes expired before being used at a voting machine. The investigation also revealed that of the 553 members who voted, three did not vote for any candidate for president. Only 550 votes were cast in the president's race. The investigation revealed no evidence that any ballots were not counted. Any inaccuracy in the reporting out of the ballot count, had no effect on the outcome of the election.

You also alleged that the Local improperly conducted a second recount on March 10, 2017, without providing you appropriate notice or an opportunity to observe. Section 401(c) provides candidates with the opportunity to have an observer at any counting of the ballots. The investigation revealed that the only recount was on March 6, 2017, and you admit you were present on that date and observed when the box of election records was opened. The Department's investigation did not support your allegation that the box was opened by the union again on March 10, 2017. The Department's investigation found that the election records were sealed, signed, and dated January 20, 2017 and March 6, 2017 by the Election Committee. The box was sealed with red tape dated March 6, 2017 when it was opened by the Department on May 10, 2017 as part of its investigation. While a letter sent to you was dated March 10, 2017, it simply stated that the executive board agreed with the election judges' March 6, 2017 decision regarding the merit of your protest, and did not indicate that there was a second recount on March 10. Accordingly, there was no violation of the LMRDA.

Finally, the attachments to your May 8, 2017 letter included allegations relating to election procedures that you raised in a protest to the Local on January 23, 2017, but did not raise in your May 16, 2017 appeal to the District Council's Executive Board. Section 402(a) of the LMRDA requires that union members first exhaust each of their claims through the union's internal protest procedures for the allegation to be properly before the Department. Because these claims were not raised with the District Council, they were not properly exhausted. Accordingly, these claims were not properly before the Department and were not investigated further.

For the reasons stated herein, we have concluded that no violation of the LMRDA occurred which may have affected the outcome of the election. Accordingly, the office has closed the file on this matter.

Sincerely,

Sharon Hanley, Chief
Division of Enforcement

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