

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



May 19, 2017

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your complaint, received by the United States Department of Labor on February 17, 2017, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA or Act) occurred in connection with the election of officers of United Automobile Workers (UAW) Local 933 (Local 933 or local) conducted on May 10, 2016.

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

You alleged that Local 933 improperly disqualified you when it determined that, as a retiree, you were ineligible to run for the office of local president. Section 401(e) of the LMRDA provides, in relevant part, that "every member in good standing shall be eligible to be a candidate and to hold office (subject to . . . reasonable qualifications uniformly imposed). . . ." Article 6, Section 19 of the UAW International Constitution, provides, in relevant part, that:

Any member in good standing who is retired, shall be entitled to a "retired membership status" which, without being required to pay membership dues during the period of such retirement, shall entitle her/him to all of the privileges of membership except the right to vote in elections conducted pursuant to Article 19, Section 3 [contract negotiations], Article 45, Section 2 [election of stewards and committeemen], and Article 50, Sections 1 [members' right to vote on whether to strike] and 5 [members' right to vote on whether to continue to strike].

At its convention in 2002, UAW International adopted the following interpretation of Article 6, Section 19, which has been included in the appendix to the Union's constitution:

Retired members are ineligible to run for any local union position which carries responsibility for grievances or bargaining required by the Collective Bargaining Agreement(s) and/or local union bylaws.

The Department is required to accept an interpretation consistently placed on a union's constitution by a responsible union official or governing body, unless the interpretation is clearly unreasonable. 29 C.F.R. § 452.3. Here, the International's interpretation was adopted by the convention, a governing body of the International, and is not clearly unreasonable because it is consistent with a reasonable limitation on retiree participation recognized by both the constitution and the Department's regulations. 29 C.F.R. § 452.93 (constitution may restrict retired members right to vote).

A review of the local's collective bargaining agreements (CBA) with signatory employer AMB shows the local president is a named union representative in Step 3 Grievances. In the local's CBA with employers Ford and Ryder, the local president is a signatory and is listed as a bargaining committee member. The local and International properly applied the International's interpretation to disqualify you as a candidate for Local 933 president, given that the duties for that position included collective bargaining and grievance procedures that retirees are prohibited from performing on behalf of the local. There was no violation.

For the reasons set forth above, it is concluded that there was no violation of the LMRDA, and we are closing the file on this matter.

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

cc: Dennis D. Williams, International President
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