



March 15, 2019



Dear [REDACTED]

This Statement of Reasons is in response to your complaint, received by the United States Department of Labor (Department) on May 15, 2018. The complaint alleged that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred in connection with the May 31, 2018 officer election conducted by the Laborers' International Union of North America Local 872 (Local 872).

The 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 were no violations of the LMRDA that may have affected the outcome of the election.

Section 401(e) of the LMRDA provides that every member in good standing shall be eligible to be a candidate and to hold office subject to reasonable qualifications uniformly imposed. 29 U.S.C. § 481(e). To be a candidate in the election, Article V, Section 4 of the Uniform Local Union Constitution (ULUC) requires members be working at the calling during the entire year immediately prior to nomination. "Working at the calling" includes, among other things, periods of unemployment where the member is available for and continuously and actively seeking employment at the calling in full compliance with the rules of the union's referral service or hiring hall. ULUC Art. V, § 4. Local 872's hiring hall rules specify that members must confirm that they remain registered on the list by contacting the hiring hall within the first three business days of each three month period; this process is known as "roll call." Local 872 Job Referral Rules, Rule 2(E) (Aug. 5, 2002). Failure to properly contact the hiring hall at the beginning of each month will result in the member's name being removed from the list. Local 872 Job Referral Rules, Rule 2(F).

Additionally, Section 504 of the LMRDA prohibits a person who has been convicted of certain crimes, including grand larceny, from serving as an officer in a labor organization for a period of thirteen years after such conviction or after the end of imprisonment, whichever is later. 29 U.S.C. § 504(a).

You alleged that you were wrongfully deemed ineligible to be a candidate for Recording Secretary because you were not working at the calling during the entire year immediately prior to nomination. A review of the union records showed that you missed roll call in June 2017, which resulted in you being removed from the out of work list. Additionally, although you conceded you were convicted in March 2006 of theft, you alleged that conviction was only a misdemeanor and should not bar you from holding office under Section 504. You also alleged that [REDACTED], the current Business Manager/Secretary Treasurer, has convictions that should bar him from holding office.

Regardless of the missed hiring hall roll call, the Department's investigation revealed that during its evaluation of your eligibility to run as a candidate for office, the union conferred with a criminal law attorney who correctly advised the union that your March 2006 conviction of first degree theft in Oregon constitutes a felony that is equivalent to one of the enumerated felonies within Section 504 of the LMRDA – grand larceny. The Section 504 bar makes you ineligible to hold office until at least March 2019. Additionally, you did not provide any evidence, nor did the Department's investigation reveal any evidence, that [REDACTED] has any convictions that would bar him from holding office. Thus, these allegations do not constitute a violation of the LMRDA.

For the reasons set forth above, the Department has concluded that there were no violations of the LMRDA that may have affected the outcome of the election. Accordingly, the office has closed the file on this matter.

Sincerely,

[REDACTED]

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Chief, Division of Enforcement

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