



April 17, 2019

Dear [REDACTED]

This Statement of Reasons is in response to the complaint you filed with the United States Department of Labor ("Department") on December 21, 2018. The complaint alleged that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 ("LMRDA" or "Act"), occurred in connection with the election of officers of the St. Louis-Kansas City Carpenters Regional Council ("CRC" or "the Council"), an intermediate body of the United Brotherhood of Carpenters and Joiners of America ("UBC"), which was completed on August 4, 2018, by acclamation.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that, with respect to each of your allegations, no violation occurred which may have affected the outcome of the election. You allege that the CRC failed to notify the entire membership, which constituted members of all UBC local unions within the CRC's jurisdiction, of the upcoming officer election; instead, only providing delegates with notice of the election. You claim that this violated Section 31 of the UBC Constitution, and that the union's failure to provide notice of the election to the membership may have resulted in potential candidates being unaware of the election.

Section 401(e) of the LMRDA states that, in any election which is required by the LMRDA to be held by secret ballot, the union must mail to each member, at his last known home address, notice of the election not less than 15 days prior to the election. 29 U.S.C. § 481(e); 29 C.F.R. § 452.99. Section 401(e) further states that elections must be conducted in accordance with the constitution and bylaws of the union in so far as they are not inconsistent with the provisions of the Act. Additionally, Section 401(c) of the LMRDA provides that "[a]dequate safeguards to insure a fair election shall be provided." 29 U.S.C. § 481(c).

The Department's investigation established that, on June 29, 2018, a combined nomination and election notice was mailed to all 247 local delegates and to the presidents of the CRC's 33 affiliated locals. While Section 401(e), 29 U.S.C. § 481(e), requires that notice of an election be mailed to each member in cases where the election is required by the LMRDA to be held by secret ballot, officers of intermediate bodies, such as the CRC, are not required under the LMRDA to be elected by secret ballot. *See* 29 U.S.C. § 481(d), 29 C.F.R. § 452.123. Accordingly, the election notice here was not subject to the statutory requirement that it be mailed to each member's last known address not less than 15 days prior to the election.

Similarly, the notice requirements contained in Section 31E of the UBC Constitution apply only to local union elections, not Council elections. Pursuant to Sections II A and B of the UBC Guidelines for Nomination and Election of Regional and District Council Officers ("Guidelines"), which has applied to the CRC since 2012, delegates of the Council must be notified by mail, at least 30 days prior, of nominations and elections. The Guidelines recommend that notice be sent to all local unions affiliated with the Council, but specifically state that "[n]othing under the UBC Constitution or Uniform Bylaws requires that written notice be sent to the membership of each Local Union affiliated with the Council for a Council election in which officers are nominated and elected by delegates to the Council." The Department established that the nomination and election notice sent by CRC complied with these requirements. The notice indicated the date, time, and place of the nominations and election, as well as the offices to be filled. Furthermore, CRC has held its officer election in August since 2012, and the meeting minutes from the June Regional Council meeting, which were available to members online, reflect that Executive Secretary-Treasurer █████ reminded attendees of the upcoming nomination and election meeting. The Department did not uncover any evidence of candidates who wanted to run for office but were denied an opportunity to do so. Accordingly, there was no violation.

You next allege that the CRC violated Section 31E of the UBC Constitution by failing to receive dispensation to hold nominations and the election in the same night. You also claim that the CRC should have received dispensation to hold the nominations and election meeting on Saturday August 4, 2018 because that is a non-traditional date. Section 401(e) of the LMRDA requires that elections must be conducted in accordance with the constitution and bylaws of the union in so far as they are not inconsistent with the provisions of the Act. 29 U.S.C. § 481(e).

Section 31E of the UBC Constitution specifies that "[n]omination of officers and delegates of Local Unions shall take place in May and the election shall take place in June." This provision applies only to Local Union elections and does not speak to the timing of Regional Council elections. Section VII.A of the Guidelines indicates that "nominations and elections of the Council officers will be held at the regular Council

meeting in August.” This provision does not prohibit nominations and elections from being held on the same day, nor does it specify that nominations and elections are required to take place on a certain day or date. Rather, it states that this will occur at the regular Council meeting in August. The CRC has held its officer nominations and election in August since 2012. This is consistent with the 2018 election, which occurred at the regular Council meeting on August 4, 2018. Accordingly, there was no violation.

You allege that [REDACTED] was improperly permitted to run for the position of Executive Secretary-Treasurer and that he should have been deemed ineligible because he collects a pension under the UBC plan, in violation of Section 31D of the UBC Constitution. You claim that prior Statements of Reasons published by the Department support your position. You further allege that only delegates were permitted to hold or be nominated for Council office, contrary to the CRC Bylaws. Section 401(e) of the LMRDA provides that every member in good standing shall be eligible to be a candidate and to hold office. 29 U.S.C. § 481(e).

The Department’s investigation uncovered that, while [REDACTED] is drawing a pension, it is from the Pension Plan of Carpenter’s Pension Trust Fund of St. Louis, not the UBC Pension Plan. Section 31D of the UBC Constitution only prohibits members from holding or running for office if they are “receiving a pension under the United Brotherhood of Carpenters Pension Plan.” Additionally, Section 31D requires that members must be “working for a livelihood in a classification within the trade autonomy of the United Brotherhood . . . or in employment which qualifies him or her for membership, or is depending on the trade for a livelihood, or is employed by the organization as a full-time officer or representative.” Participants in the UBC Pension plan cannot draw pension funds and continue to work for a UBC labor organization. The Statements of Reasons that you provided only support the conclusion that members who are retired are not eligible to hold office. In both of the Statements of Reasons that you provided, the candidates or election officials that were deemed to be ineligible for office were retired and no longer actively working at the trade. Bond, on the other hand, is not retired, but is employed full time by the Regional Council. There was no violation.

With regard to your claim that the CRC only considered delegates to be eligible to hold office, the Department’s investigation did not uncover any evidence that a member who was not a delegate sought to run for office and was denied. Section 5 of the CRC Bylaws states that Council officers must be nominated and elected by delegates, but does not require that candidates be delegates in order to be eligible to run for or hold office. The minutes from the August 4, 2018 nomination meeting show that all nominations were accepted and no nominations were denied. Accordingly, there was no violation.

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 in this matter.

Sincerely,



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Chief, Division of Enforcement

cc: Douglas J. McCarron, General President
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