



June 4, 2019



Dear [REDACTED]

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on January 2, 2018, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the regularly scheduled election of union officers conducted by the United Government Security Officers of America (UGSOA), Local 129, on August 1, 2017.

The Department of Labor (Department) conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to the specific allegations, that there was no violation of the LMRDA that may have affected the outcome of the election. Following is an explanation of this conclusion.

You alleged that the August 1, 2017 nominations meeting and election by acclamation were not conducted by elected officials. Section 401(e) of the LMRDA provides that a union must conduct its election of union officers in accordance with the constitution and bylaws of the union. Article XV, section 9 of the UGSOA constitution provides, "Local union elections shall be conducted by an election committee appointed by the President of the Local Union." The UGSOA constitution, however, is silent concerning a specific timeframe within which the appointments must be made and whether such appointments must be limited to elected officials. In any event, the investigation disclosed that the nominations meeting was conducted on August 1, 2017, by the incumbent president, vice president, and secretary treasurer. Neither the UGSOA constitution nor the LMRDA was violated.

You alleged that Local 129 failed to inform all members of the August 1, 2017 nominations meeting in sufficient time to permit members to nominate candidates. Section 401(e) of the LMRDA provides that a union must afford members a reasonable

opportunity for the nominations of candidates. 29 C.F.R. § 452.55. To meet this requirement, the union must give timely notice reasonably calculated to inform all members of the nominations of candidates. 29 C.F.R. § 452.56. You asserted that the union was required to give members at least 30 days advance notice of the nominations meeting. However, both the UGSOA constitution and the Local 129 bylaws are silent concerning the timeframe within which notice of the nominations meeting must be given prior to that meeting. You also stated during the investigation that you saw the nominations notice for the first time on July 25, 2017, on a table in the breakroom. The Local 129 president stated during the investigation that the nominations notice was posted in the breakroom about two weeks prior to the August 1, 2017 nominations meeting. This two-week period was not unreasonable. The LMRDA was not violated.

You also alleged that the nominations meeting was held on a day when several of the 24 Local 129 members were on leave, including yourself, and that such members were prevented from making nominations or being nominated for office. The investigation showed that you were on leave the day of the nominations meeting and did not attend that meeting. However, you stated during the investigation that you knew as early as July 25 that the nominations meeting would be held on August 1. Thus, you could have made arrangements to attend that meeting or asked whether another member could nominate you for office in your absence. In addition, the investigation showed that the two members you intended to nominate for office during the nominations meeting attended that meeting. One of these members nominated another member for office during the meeting. The investigation found that members were permitted to nominate a member who was unable to attend the nominations meeting by submitting the nominee's name in writing during that meeting.

The investigation showed, however, that two members who were on leave from July 17, 2017, to August 2, 2017, did not receive notice of the nominations meeting, were not aware of the meeting, and did not attend the meeting. Therefore, section 401(e) of the LMRDA was violated when the union failed to inform all members of the August 1, 2017 nominations meeting. However, these two members stated during the investigation that they had no interest in being nominated or making nominations to office and that they would not have attended the nominations meeting even if they had known about it. On these facts, there was no violation of the LMRDA that may affected the outcome of the election.

Finally, you took issue with the content of the nominations notice. You alleged that the notice did not include the union name, date of the notice, an agenda, an officer signature, or the location of the meeting. In order for a union to comply with the nominations notice requirement prescribed in section 401(e) of the LMRDA, such notice must inform all members of the offices to be filled in the election as well as the time,

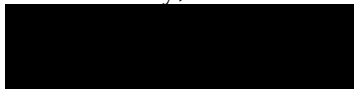
place, and form for submitting nominations. 29 C.F.R. § 452.56. The Department's review of the nominations notice disclosed that the notice stated, "Union meeting Tuesday August 1, 2017, 6:00 p.m. Nominations of officers." Thus, the union violated section 401(e) of the LMRDA in that the nominations notice failed to inform members of the offices to be filled in the election, the location of the nominations meeting, and the form of submitting nominations.

However, the investigation showed that these deficiencies in the nominations notice did not affect the outcome of the election, as there is no evidence that any of the 24 Local 129 members did not seek or make nominations for office because they were unaware of the offices to be filled in the election. Also, as you are aware, Local 129 has no union office or designated office space at the employer's worksite, and members are aware that all union meetings are held in the breakroom located at that facility. There is no evidence that any member was confused or unsure about the location of the nominations meeting.

Nor is there any evidence that you or any other members were unaware of the form of submitting nominations. The investigation showed that members were aware that they could seek or make nominations from the floor of the nominations meeting and that they were permitted to nominate a member who was unable to attend such meeting by submitting the nominee's name in writing during the meeting. Further, the two members you intended to nominate for office attended the nominations meeting and were aware that they could seek or make nominations from the floor. In fact, one such member nominated a member from the floor. There was no violation of the LMRDA that may have affected the outcome of the election.

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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