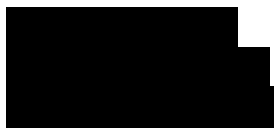




November 13, 2019



Dear [REDACTED]

This Statement of Reasons is in response to your complaint, received by the United States Department of Labor (Department) on April 30, 2019. The complaint alleged that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the December 20, 2018 officer election conducted by the International Association of Machinists & Aerospace Workers (IAM), Local Lodge 1842 (LL 1842).

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

Section 401(g) of the LMRDA provides that no resources of a labor organization are to be contributed or applied to promote the candidacy of any person in an election. 29 U.S.C. § 481(g). Additionally, section 401(c) of the LMRDA requires unions to provide adequate safeguards to insure a fair election. 29 U.S.C. § 481(c); *see also* 29 C.F.R. § 452.110.

You alleged that LL 1842 violated sections 401(c) and (g) of the LMRDA when one candidate was given union membership lists. The Department's investigation revealed that one candidate – the incumbent Vice President – was provided three union membership lists on November 15, 2018 by an IAM Business Representative. These lists contained the names, member identification numbers, and membership status (*i.e.*, exempt, retired, regular dues-paying, life) of LL 1842 members. All of these members were eligible to vote in the December 2018 election according to Article III of the IAM Constitution. The investigation further revealed that this candidate printed the membership list that contained the names of exempt and retired members because, at the time he received the list, he believed these members were ineligible to vote. He explained that he intended to provide this list to election tellers for the purpose of assessing eligibility on the day of the election.

Although the incumbent officer's receipt of these union membership lists constitutes a technical violation of section 401(g), the Department's investigation found that the lists were not used to campaign; there is no evidence that the candidate in possession of the lists used them to contact members about the election. In addition, these lists did not provide any campaign advantage because they did not include any member contact information. To this end, when the Department contacted almost every candidate who ran in the election, all but one stated that the list did not contain any real value. Therefore, although this was a violation of the LMRDA, the violation did not affect the outcome of the election as the lists were not used to conduct any campaigning.

Further, although the violation of section 401(g) had no effect on the outcome of the election, LL 1842 attempted to mitigate any potential campaign advantage. When LL 1842 leadership was made aware that a candidate wrongfully possessed the list containing the names and member numbers of exempt and retired members, it held meetings to inform the other candidates about the violation and offer them an opportunity to view the list; all but one candidate attended these meetings, and no candidate requested a copy of the list. Thus, with respect to your allegation, there was no violation of section 401(c) because LL 1842 provided adequate safeguards to ensure a fair election.

For the reasons set forth above, it is concluded that, to the extent any violations occurred, there was no effect on the election. Accordingly, the office has closed the file on this matter.

Sincerely,



Brian A. Pifer  
Chief, Division of Enforcement  
Office of Labor-Management Standards

cc: Beverly Dankowitz, Associate Solicitor  
Civil Rights and Labor-Management Division

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