

**Statement of Reasons for Dismissing a Complaint
Alleging International Association of Machinists and Aerospace Workers
Improperly Imposed a Trusteeship over its Subordinate
Local Lodge S-6**

The Department of Labor (Department) received a complaint on March 29, 2019, alleging that the International Association of Machinists and Aerospace Workers (International) imposed a trusteeship over its subordinate body, Local Lodge S-6 (local or Local S-6), on or around February 15, 2019. The complaint further alleged that the trusteeship was not imposed for a purpose allowable under Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. § 462.

Specifically, the complaint alleged that the International suspended the local's autonomy by operation of Article VI, section 7 of the International Association of Machinists and Aerospace Workers' Constitution International Constitution (IC) in its letter dated February 15, 2019, hand-delivered on February 25, 2019 to members of the local executive board. The complaint further objected to the appointment of a supervisor to run the local's affairs. As evidence of the local's suspension of autonomy, the complaint alleged that the supervisor took the following actions: presided over all meetings; discontinued regular meetings held by the local president with subordinate representatives; conducted all business formerly performed by the local president and vice president, prohibited the local president from requesting and receiving information from the employer regarding grievances and arbitration data; reviewed all memorandum of agreements; and, prohibited the local president from contacting the chief steward and secretary treasurer regarding the local's regular business practices.

Section 3(h) of the LMRDA defines "trusteeship" to mean "any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws." 29 U.S.C. § 402(h). Article VI, section 7 of the IC provides, in relevant part, that:

the I.P. [International President] shall have authority to place under his/her direct supervision, direction and control any L.L. . . . when he/she determines that the good and welfare of this Association or the membership is placed in jeopardy for any of the reasons set forth in SEC. 8 of this Art., pending approval of the E.C.

The investigation disclosed that, between 2017 and 2019, various members of the local executive board complained to both District 4 and the International President about the dysfunction of the local executive board. Ultimately, every member of the local executive board, with the exception of the local president, complained to the International, specifically requesting that the parent organization intervene to establish a functional local executive board.

The International responded by letter February 15, 2019, by placing the local under supervision pursuant to Article VI, Section 7 of the IC, and appointing [REDACTED] District 4 business representative, as supervisor, and imposing the following limitation on [REDACTED] authority: "keep in mind that this is a supervision not a suspension. Your job is to supervise and assist the local, not to operate it. Your primary responsibility is to enact a program and to work with the leadership so that the local will once again be able to carry out its duties and responsibilities in accordance with its bylaws, the IAM Constitution, and its policies and procedures." The supervisor followed the IP's instructions. There is no credible evidence that the supervisor exceeded the IP's mandate.

The Department's investigation did not establish that the local union's autonomy was suspended on or around February 15, 2019. All officers remained in office. In addition, the minutes of the membership and executive board meetings clearly showed that those meetings were presided over by either the local president or the vice president. With respect to memoranda of understanding (MOU), the investigation disclosed that either the local president or the local vice president reviewed and signed such documents, not the supervisor. Moreover, the investigation disclosed that the local president was never denied access to any grievance documents. Because of the acrimonious relationship between the local president and the local secretary treasurer as well as the chief steward, the supervisor acted as an intermediary to minimize disruption of the local's affairs. Moreover, the investigation disclosed that, with the exception of the local president, every member of the executive board agreed that the local's autonomy has not been suspended during the supervisor's tenure. Significantly, no funds of the local were ever transferred to either District 4 or the international.

Finally, The Department has confirmed that the local is holding its regularly scheduled election in October 2019. Under these circumstances, the local has not been under a trusteeship, as defined in section 3(h) of Title III.

For the reasons set forth above, the Department has concluded that no trusteeship was imposed over the local on or around February 15, 2019. Accordingly, the complaint is dismissed.



September 24, 2019

[REDACTED]

Dear [REDACTED]

This is to advise you of the disposition of your complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred with respect to a supervision imposed by the International Association of Machinists and Aerospace Workers over Local Lodge S-6 in Bath, Maine.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. After carefully reviewing the investigative findings, and after consulting with the Solicitor of Labor, we have determined that legal action is not warranted in this case. We are, therefore, closing our file as of this date. The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,

[REDACTED]

Brian A. Pifer
Chief, Division of Enforcement

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

U.S. Department of Labor

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



September 24, 2019

Robert Martinez, Jr., International President
International Association of Machinists and Aerospace Workers
9000 Machinists Place
Upper Marlboro, Maryland 20772-2687

Dear Mr. Martinez:

This is to advise you of the disposition of a complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred with respect to a supervision imposed by the International Association of Machinists and Aerospace Workers over Local Lodge S-6 in Bath, Maine.

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Sincerely,



Brian A. Pifer
Chief, Division of Enforcement

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