

**Statement of Reasons for Dismissing a Complaint
Alleging International Longshoremen's Association (ILA)
Improperly Imposed a Trusteeship over its Subordinate
Local 1982**

Pursuant to the authority of sections 304(a), 29 U.S.C. § 464(a), and 601, 29 U.S.C. § 521, of the Labor-Management Reporting and Disclosure Act (LMRDA), the Office of Labor-Management Standards (OLMS) conducted an investigation concerning the trusteeship imposed by the International Longshoremen's Association (ILA), over ILA Local 1982 in Toledo, Ohio on November 21, 2016. The investigation was initiated as the result of OLMS's receipt of a complaint on August 23, 2018, from a former member of the ILA and Local 1982 challenging the continuation of the trusteeship. As a result of the investigation, OLMS has concluded that the complaint is deficient and, therefore, is dismissed. Following is an explanation of this conclusion.

Section 304 of the LMRDA provides that any "member" of a labor organization may file a written complaint with the Secretary of Labor (Secretary) alleging that such organization has violated the trusteeship provisions of section 304 of the LMRDA. 29 U.S.C. § 464(a). Accordingly, an individual must first be a "member" of the labor organization before filing a complaint with the Secretary under the trusteeship provisions of the LMRDA. Section 3(o) of the LMRDA defines "member," for purposes of the LMRDA, to include any person who has fulfilled the requirements for membership in a labor organization and has not been "expelled or suspended from membership." 29 U.S.C. § 402(o).

The ILA constitution and Local 1982 bylaws provide for automatic expulsion from membership for nonpayment of dues. OLMS's investigation disclosed that in April of 2017 the ILA expelled the complainant from membership for failing to pay delinquent dues. As a result of such expulsion, the complainant forfeited membership in that labor organization.

Specifically, the investigation disclosed that in December of 2016, the trustee appointed by the ILA to administer the trusteeship imposed on Local 1982 sent a letter to each of the 32 members of the local, including the complainant, indicating that a membership meeting would be held in January of 2017. The letter also stated that members would be required to sign a dues arrangement obligating them to pay all delinquent dues in order to retain membership in the union. The investigation disclosed that this requirement was imposed uniformly on all members, and any member who did not pay such dues within three months after the January 2017 meeting was automatically expelled from membership.

The investigation revealed that the complainant attended the January 2017 meeting but refused to sign a dues arrangement obligating the complainant to pay delinquent dues. Subsequently, the complainant remitted a check to the trustee in January of 2017 that covered only part of the dues arrearage. The trustee mailed that check back to the complainant along with a letter stating that the complainant was required to pay the total amount of the dues owed and requested that the complainant remit a check to the union in that amount. The investigation established that the complainant never paid the delinquent dues and, as a result, was expelled from membership in April of 2017.

As a result of the April 2017 expulsion, the complainant was no longer a “member” of the ILA under the LMRDA. Accordingly, the complainant was not a member of Local 1982 when he filed the August 23, 2018 complaint, challenging the ILA’s continuation of the trusteeship. Because the complainant was no longer a member, he failed to satisfy the mandate in section 304 of the LMRDA requiring a complainant to be a “member” of the labor organization before filing a complaint with the Secretary.

It, therefore, is concluded that this complaint is deficient and is not properly before OLMS. Therefore, the complaint is dismissed. We are closing our file on this matter.

U.S. Department of Labor

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



November 19, 2019

Mr. Harold J. Daggett, President
International Longshoremen's Association
5000 West Side Avenue
North Bergen, New Jersey 07047

Dear Mr. Daggett:

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 trusteeship imposed by the International Longshoremen's Association over Local 1982 in Toledo, OH.

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,



Brian A. Pifer
Chief, Division of Enforcement

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



November 19, 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 trusteeship imposed by the International Longshoremens Association.

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