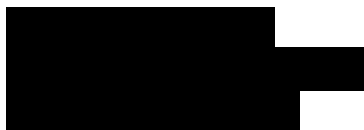




January 29, 2020



Dear [REDACTED]

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on June 18, 2019, 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 International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts, Local 16, on April 3, 2019.

The Department of Labor (Department) investigated 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 union improperly disqualified you from candidacy for failing to meet the continuous good standing requirement. Section 401(e) of the LMRDA provides that every member in good standing is eligible to be a candidate and to hold office (subject to section 504 and to reasonable qualifications uniformly imposed). 29 C.F.R. §§ 452.34-35. Section 401(e) of the LMRDA further provides that a union must conduct its election of officers in accordance with the union's constitution and bylaws. 29 C.F.R. § 452.2.

Article 4, Section 1-A, of Local 16's constitution and bylaws prescribes the continuous good standing requirement for candidacy. This provision provides that any member running for certain offices, including the office of president, in an election of officers must have been in "continuous good standing" in the local not less than two years immediately preceding such election.

In addition, Article 17, Section 4.9 of the local's constitution and bylaws provides that any member who is ninety days or more days delinquent in dues payments will be placed on the "Not in Good Standing" list until such time as the dues are paid in full. The investigation disclosed that this list contains the names of those members who

failed to meet the two-year continuous good standing requirement and, thus, were ineligible for candidacy in the 2019 election.

The investigation disclosed that the two-year qualifying period for the continuous good standing requirement in this election was from April 2017 to April 2019. The investigation showed that you failed to meet that requirement for the qualifying period and, therefore, you were ineligible for candidacy. Specifically, the investigation disclosed that the deadline for paying the fourth quarter dues (October, November, December) for 2018 was December 30 or 31, 2018. You acknowledged and the investigation confirmed that you did not pay those dues until January 2, 2019, which was beyond the December 2018 deadline. As a result, Local 16 placed your name on the "Not in Good Standing" list at the end of December 2018. You admitted that at the time of the nominations meeting you had been at least ninety days delinquent in the payment of your fourth quarter dues.

You asserted, however, that the union should have exempted you from the two-year continuous good standing requirement and permitted you to run for the office of president. However, section 401(e) of the LMRDA requires a union to uniformly impose candidacy qualifications. Thus, Local 16's candidacy eligibility requirements imposed in the 2019 election would not have been proper or reasonable under section 401(e) of the LMRDA if the local had failed to apply them to all candidates in a reasonable or uniform manner. 29 C.F.R. § 452.53. Therefore, the union was prohibited under section 401(e) of the LMRDA from exempting you from the candidacy qualifications imposed in the 2019 election. Further, the investigation showed that the union uniformly applied the two-year continuous good standing requirement to all candidates in that election. There was no violation of the LMRDA.

Finally, your additional allegations were not properly exhausted under section 402 of the LMRDA. As a result, those allegations are not properly before the Secretary and, for that reason, are dismissed.

For the reasons set forth above, it is concluded that there was no violation of the LMRDA that may have affected the outcome of the election. Accordingly, the office has dismissed your complaint and closed its file in this matter.

Sincerely,

A black rectangular redaction box covering the signature of Brian A. Pifer.

Brian A. Pifer
Chief, Division of Enforcement

cc: Matthew D. Loeb, International President
International Alliance of Theatrical Stage Employees, AFL-CIO
207 W. 25th Street, 4th Floor
New York, NY 10001

Jim Beaumonte, President
IATSE Local 16
240 2nd Street
San Francisco, CA 94105

Beverly Dankowitz, Associate Solicitor for Civil Rights and Labor-Management