



January 29, 2020



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on June 10, 2019, alleging that a violation 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 Local 16's failure to validate nominees' good standing at the nomination meeting, as required by Article 4, Section 7(A) of Local 16's bylaws, resulted in ineligible members being nominated for office during that meeting and then later disqualified from candidacy.

Section 401(e) of the LMRDA requires a union to conduct its election of officers in accordance with the union's constitution and bylaws. 29 C.F.R. § 452.2. Article 4, Section 7(A) of Local 16's bylaws prescribes the procedures for conducting the nomination meeting. This provision reads in part, "[t]he Treasurer or designated office staff shall furnish a list to show members' good standing to the Election Committee and the election service contract company . . . for purposes of validating nominated candidates' good standing at the February [nomination] meeting."

The investigation disclosed that the union conducted its nomination meeting at the union hall on February 6, 2019, at 5:30 p.m. During the nomination proceedings, the union opened and accepted nominations for approximately 80 officer and delegate positions. At the conclusion of this meeting, after nominations were closed, Local 16's office staff provided election officials with a list known as the "Members Not in Good Standing List" (MNIGS). This list contained the names of those members who did not

meet the two-year continuous good standing requirement for candidacy for the applicable period. Election officials used the MNIGS list to conduct a preliminary review of the candidacy eligibility of those nominated for office. The election officials completed their review of the MNIGS list and dues payment records the day after the nomination meeting. At the conclusion of that review, the election officials disqualified nominees from candidacy who failed to meet the two-year continuous good standing requirement.

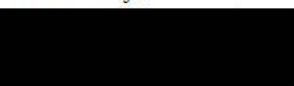
You asserted, however, that Article 4, Section 7(A) of Local 16's bylaws required the election officials to verify candidacy eligibility at the time that a candidate is nominated at the nomination meeting, not the day after such meeting. To the contrary, union officials stated during the investigation that the union does not interpret Article 4, Section 7(A) as prescribing any such requirement. According to union officials, Local 16 interprets Article 4, Section 7(A) as requiring the treasurer or designated office staff to furnish a MNIGS list to election officials at the nomination meeting. The union does not interpret this provision as further requiring election officials to use such list to make eligibility determinations at that meeting.

The interpretation "consistently" placed on a union's constitution by the responsible union official or governing body will be accepted unless the interpretation is "clearly unreasonable." 29 C.F.R. § 452.3. The investigation showed that the union's interpretation of Article 4, Section 7(A) in the 2019 election is consistent with its interpretation of this provision in prior elections. Further, the union's interpretation of Article 4, Section 7(A) "was not clearly unreasonable." The language in this provision is ambiguous. Although Article 4, Section 7(A) may be susceptible to your interpretation, it is also susceptible to the union's consistent interpretation of the provision. *See* 29 C.F.R. § 452.3. In addition, the investigation revealed that the union's interpretation of this provision was uniformly applied to all candidates nominated in the 2019 election.

The investigation also showed that all eligible members were afforded a reasonable opportunity to make nominations or be nominated for office during the 2019 nomination meeting. 29 C.F.R. § 452.55. There was no violation of the LMRDA.

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

Brian A. Pifer  
Chief, Division of Enforcement

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