

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
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July 22, 2014

Ms. Jenny Lee
1217 Garden Street
Hoboken, NJ 07030

Dear Ms. Lee:

This Statement of Reasons is in response to your March 26, 2014, complaint filed with the U.S. Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the election of officers conducted by the American Federation of Teachers (AFT), Local 1460 from December 23, 2013, to January 6, 2014.

The Department conducted an investigation of one of your allegations. As a result of the investigation, the Department has concluded with respect to your allegation regarding term limits, that no violation occurred. Following is an explanation of this conclusion.

You alleged that the union violated the LMRDA when Local 1460 failed to adhere to its bylaws by not enforcing term limits. Section 401(e) of the LMRDA requires unions to conduct elections "in accordance with the validly adopted constitution and bylaws of the labor organization[] insofar as they are not inconsistent with the provisions of the Act." *See also* 29 C.F.R. § 452.2.

The investigation disclosed a set of bylaws for Local 1460, dated 1978. This Constitution and Bylaws states that "[t]he officers [including a President] . . . shall serve for three years and may not serve for more than two consecutive terms." Article IV, Section 1. The Constitution and Bylaws also states that Local 1460 represents many chapters that "act separately," but elect delegates to a policymaking assembly of the local and that each chapter "shall" adopt a constitution and bylaws. You assert that these 1978 bylaws apply to the election held last December and January and that they prevented the candidacy of Local 1460 President Kye Carbone, who defeated you in the election.

During the investigation, union officials took the position that the Local 1460 Pratt University chapter, which held the election, does not have any official bylaws, but instead operates on past practice. The investigation supports this position. Local 1460 was originally a federation of multiple chapters and Pratt University members formed

an autonomous chapter that failed to approve or adopt bylaws as provided in the Local 1460 Constitution. Thus, there is no basis for applying the term limits of Article IV, Section 1, which applied to federation officers, to the autonomous Pratt University chapter officer elections. There was no violation of the LMRDA.

The investigation also disclosed that the federation eventually dissolved and the Pratt University chapter is now Local 1460's only remaining unit. As such, AFT has ordered Local 1460 to adopt new bylaws, which were in the process of being ratified during the investigation. Further, based on a separate complaint you filed concerning lack of adequate notice of the election, AFT also has ordered the local to rerun the election in fall 2014, under the new bylaws.

Additionally, you alleged that the union violated the original bylaws by permitting retiree voting and by holding the election at a time other than the spring semester. As AFT has ordered a new election to be conducted under new bylaws, it is unnecessary for the Department to resolve these issues.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred that may have affected the outcome of the election. Accordingly, the office has closed the file on this matter.

Sincerely,

Patricia Fox

Patricia Fox
Chief, Division of Enforcement

cc: Randi Weingarten, President
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