

U.S. Department of Labor
Notice to GFT Members

Title IV of the LMRDA establishes democratic standards for conducting union officer elections, including a reasonable opportunity for members to vote and minimum safeguards to ensure a fair election. The LMRDA also gives union members the right to file a complaint with the Secretary of Labor concerning union officer elections, after the member has exhausted remedies available under the union's constitution and bylaws. The Department of Labor's Office of Labor-Management Standards (OLMS) is responsible for investigating union officer election complaints and taking appropriate enforcement action. OLMS will only seek to file suit where a violation occurred affecting the outcome of the election and that violation has not been remedied. OLMS will seek the union's voluntary agreement to remedy the violation forming the basis for litigation prior to filing suit. If no voluntary compliance agreement is reached, OLMS files suit seeking a court order setting aside the challenged election and directing a new election under OLMS supervision.

On June 2, 2011, and June 15, 2011, members in good standing of GFT, Local 1581 filed election complaints with the Department of Labor challenging the union officer election conducted by Local 1581 on February 25, 2011. The complaints alleged 12 violations of the LMRDA. The one allegation found by the OLMS investigation to form the basis for litigation concerned a violation of the voting rights provision of section 401(e) of the LMRDA, 29 U.S.C. § 481(e). Section 401(e) provides that every member in good standing shall have the right to vote for or otherwise support the candidate or candidates of his choice. The investigation found that 137 members in good standing of Local 1581 were denied a reasonable opportunity to vote when seven polling sites, listed on the notice of the election as sites at which balloting would be conducted on the day of the election, did not open. None of these 137 members otherwise voted in the election. The vote margins for the office of vice president, secretary and treasurer ranged from 145 to 169 votes. The office of president was won by a margin of 36 votes. Inasmuch as the vote margin for the office of president was 36 votes, the violation, resulting in 137 members being denied a reasonable opportunity to vote, only may have affected the outcome of the election for the office of president.

After extensive negotiations, to conserve resources and avoid the necessity of litigating this case in federal court, Local 1581 and OLMS entered into a voluntary compliance agreement on January 5, 2012. Under the terms of the agreement Local 1581 agrees to conduct a new election for the office of president under OLMS supervision before May 15, 2012.

The Department of Labor offers this statement to explain and to inform members of the circumstances providing the basis for the OLMS supervision of a new election for Local 1581 President. The OLMS Election Supervisor for the Local 1581 election is Pearl Moenahele. You may contact Ms. Moenahele at 300 Ala Moana Blvd., Suite 5-121, Honolulu, HI 96850 or by telephone at (808) 541-2777 with questions. More information will be provided as the election period approaches.