



## MEMORANDUM

To: All Business Manager/Secretary-Treasurers

From: Kenneth E. Rigmaiden  
General President

Date: March 28, 2020

Subject: **District Council Nominations and Elections**

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Many of you have requested guidance for complying with the IUPAT Constitution and the LMRDA's election requirements in light of the on-going COVID-19 pandemic. In response to this crisis, the Department of Labor's Office of Labor-Management Standards ("OLMS"), which enforces the election provisions of the LMRDA, released the following advisory:

Labor unions affected by COVID-19 must still make a good faith effort to conduct officer elections within LMRDA timeframes. OLMS has jurisdiction to file a civil enforcement action concerning a failure to hold a timely election after receipt of a complaint from a union member who has first sought a remedy from his or her union. If OLMS receives a complaint from a union member solely regarding a union's failure to hold an election within the LMRDA timeframes, but the election has been completed prior to OLMS receipt of the complaint, then OLMS will take no enforcement action. If OLMS receives a complaint regarding a union's ongoing failure to hold an election, and that failure was attributable to COVID-19, OLMS will promptly seek a voluntary compliance agreement with the union. The agreement would require the union to hold the election when practicable on a date certain. With such an agreement, OLMS will not seek a civil enforcement action based on the complaint, provided the election is held in conformance with the agreement.

Complying with OLMS' directive to make a good faith effort to conduct elections essentially hinges upon whether a District Council is able to hold in-person nomination meetings in May and an in-person election in June. That, in turn, hinges upon whether the District Council is located in an area where a governmental order or directive, or local health conditions, effectively prevents holding in-person meetings.

Accordingly, if a District Council or Local Union is able to safely conduct in-person meetings, or reasonably anticipate being able to do so in the month of May, proceed with holding nomination meetings in May 2020. Please note that the date of the nomination meeting may be postponed until late May, rather than being held on the date of the regular Local Union meeting, if this will make it more likely that the nomination meetings can be held in May. If you do so, please remember that, under Sections 153(c) and 210(b), notice must "be given by mail posted to the last known address of all members at least five (5) days prior to the nomination date and at least fifteen (15) days prior to the election date.

District Councils proceeding with the nomination and election process must make every effort to ensure that procedures to safeguard the health of attendees, such as social distancing, are instituted. Along these lines, District Councils may adopt special rules that protect members while allowing nomination meetings and elections to proceed in May and June. For example:

- Members could be told that, other than Local Union officers, only those seeking to make nominations or to be nominated need to attend the nomination meeting.
- In addition, members making nominations or seeking to be nominated could be asked to schedule a time in advance when they intend to appear for the purpose of making nominations.
- The General President has determined that, in these circumstances, a quorum is not necessary to receive nominations. However, in the absence of a quorum, no other business may be conducted.
- We will work with you to develop appropriate procedures for safe voting in June, such as having extended hours to accommodate any needed social distancing during the election in June.

District Councils unable to conduct in-person meetings, due to either a governmental order or directive, local health conditions or other considerations, may postpone the nomination and election process until further notice. It is suggested that such District Councils continually monitor the situation in order to determine when they may proceed with the nomination and election process.

Please understand that the options outlined above are just that — options. Ultimately, the decision of whether to proceed with the nomination and election process or whether to postpone lies with each individual Business Manager/Secretary-Treasurer. You as Business Manager/Secretary-Treasurers are best positioned to assess the circumstances that inform this decision. The purpose of this communication is to present you with permissible options for complying with the election provisions of the LMRDA and the IUPAT Constitution in light of the current COVID-19 crisis. The authority for making the ultimate decision is vested in each Business Manager/Secretary Treasurer.

Should you have questions, or need additional information, please contact the General Secretary-Treasurer's office.

cc: GEB  
GPR Courtien  
GPR Meadows  
GPR Gutierrez