

IBEW Rule Requiring Photo ID To Resign Upheld By NLRB Judge

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The NLRB has been opposing union rules which make it difficult for union members to resign their membership and withdraw dues deduction authorizations. In *Sulkowski v. UAW*, 07-CB-140311, NLRB Region 7 issued a complaint against the UAW for requiring members to resign in person, with proper identification, and then not effectuating the resignation until these procedures had been met. After Region 7 issued a complaint, the UAW settled.

The Board also brought an action against the International Brotherhood of Electrical Workers (IBEW) Local 58 over a new rule requiring members to present a photo ID and a written request in person at the Union Hall on the grounds that the rule on its face violates the National Labor Relations Act. The Board argued that the rule violated Section 8(b)(1)(A) which bars labor unions from restraining or coercing employees in the exercise of NLRA rights. However, Board ALJ David I. Goldman rejected the argument of the NLRB General Counsel finding that the rule was merely a “facially noncoercive” procedure which did not violate Section 8(b)(1)(A).

In October 2014, IBEW Local 58 announced its new policy claiming that it “has had experiences in the past where members have lost their membership through fraudulently submitted paperwork.” The local implemented the new rule that “any member that desires to opt out of membership or dues deduction must do so in person at the Union Hall of IBEW Local 58 and show picture identification with a corresponding written request specifically indicating the intent of the member.” If appearing at the Union Hall “poses an undue hardship [the member] may make other arrangements that verify the identification of the member by contacting the Union Hall.” While upholding that policy as facially lawful, Goldman also suggested that he is skeptical that a union could lawfully reject any resignation that doesn’t follow the procedure.

The general counsel’s case attacked the policy as unlawful on its face, and no witnesses were produced who had been prevented from resigning. Goldman noted that lack of direct evidence and stated he was not deciding whether either provision can lawfully be enforced against a member. The case, *Local 58, Electrical Workers (Paramount Indus., Inc.)*, 2015 BL 351259, NLRB ALJ, No. 7-CB-149555, 10/26/15, arose in Michigan, a Right to Work State.

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