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VIA FACSIMILE
& FIRST CLASS MAIL

Eastern Missouri Laborers'
District Council
Its Officers and Members
3450 Hollenberg Drive
Bridgeton, Missouri 63044

Western Missouri & Kansas Laborers'
District Council
Its Officers and Members
8500 Ward Parkway, Suite 300
Kansas City, Missouri 64114

Laborers' Local Union 42
Its Officers and Members
301 South Ewing Avenue
St. Louis, Missouri 63103

Laborers' Local Union 110
Its Officers and Members
4532 South Lindbergh Blvd
St. Louis, Missouri 63127

Laborers' Local Union 660
Its Officers and Members
2633 West Clay Street
St. Charles, Missouri 63301

Laborers' Local Union 662
Its Officers and Members
209 Flora Drive
Jefferson City, Missouri 65101

Laborers' Local Union 829
Its Officers and Members
P.O. Box 309
St. Genevieve, Missouri 63670

March 9, 2020

LiUNA!

Laborers' Local Union 830
Its Officers and Members
899 Ste Genevieve Drive
St. Genevieve, Missouri 63670

Laborers' Local Union 840
Its Officers and Members
P.O. Box 461
Rolla, Missouri 65402

Laborers' Local Union 955
Its Officers and Members
404 Tiger Lane
Columbia, Missouri 65203

Laborers' Local Union 1104
Its Officers and Members
773 Enterprise
Cape Girardeau, Missouri 63703

Laborers' Local Union 264
Its Officers and Members
1101 E 87th Street
Kansas City, Missouri 64131

Laborers' Local Union 319
Its Officers and Members
2001 South Empire Avenue
Joplin, Missouri 64804

Laborers' Local Union 579
Its Officers and Members
1203 N. 6th Street
St. Joseph, Missouri 64501

Feel the Power

Restructure of District Council and Affiliates

March 9, 2020

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Laborers' Local Union 663
Its Officers and Members
7820 Prospect Avenue
Kansas City, Missouri 64132

Southern & Central Illinois Laborers'
District Council
Its Officers and Members
5100 Ed Smith Way
Marion, Illinois 62959

Laborers' Local Union 1290
Its Officers and Members
2600 Merriam Lane
Kansas City, Kansas 66106

Local Union 773
Its Officers and Members
5102 Ed Smith Way
Marion, Illinois 62959

Laborers' Local Union 1290PE
Its Officers and Members
2600 Merriam Lane
Kansas City, Kansas 66106

Local Union 2002
Its Officers and Members
534 South 2nd Street, Suite 201
Springfield, Illinois 62701

Re: Proposed Restructuring of the Eastern Missouri Laborers'
District Council and the Western Missouri & Kansas
Laborers' District Council; and Affiliated Local Unions

Dear Brothers and Sisters:

Enclosed is a copy of the Report and Recommendation of the Special Hearings Panel held on February 21, 2020, to consider the proposed Restructuring of the Eastern Missouri Laborers' District Council and the Western Missouri & Kansas Laborers' District Council and affiliated Local Unions.

The General Executive Board, carefully considered the facts in this case, and

"After due deliberation, it is

VOTED:

That the report of the Special Hearings Panel is approved and that the Findings and Recommendation be and the same hereby are adopted."

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The Officers of the District Councils and each Local Union are instructed to ensure that all members receive a copy of the Report and Recommendation through whatever means the District Council or Local Union normally uses to communicate with its membership. You are also directed to post a copy in a conspicuous place in the District Council or Local Union's office.

With kind regards, I am

Fraternally yours,



TERRY O'SULLIVAN
General President

/mmt
Enclosure

cc: Special Hearings Panel
Midwest Regional Office

Report and Recommendation of the Special Hearings Panel

March 3, 2020

On the Proposed Restructure of the Eastern Missouri Laborers' District Council and the Western Missouri & Kansas Laborers' District Council; related Mergers, and other changes

To the General Executive Board
of the Laborers' International
Union of North America, AFL-CIO

We, Vice President, Special Assistant to the General President, and Great Lakes Regional Manager Terrence M. Healy and Vice President, Special Assistant to the General President, and Pacific Southwest Regional Manager Rocco Davis, having been designated to sit as a Special Hearings Panel for the purpose of hearing testimony and receiving evidence, wish to report that on February 21, 2020, a hearing was held on the below-listed case, pursuant to the authority set forth in the International Union Constitution, Article VIII, Section 2(g) and Section 2(a-vii). The Panel was assisted by Associate General Counsel Lisa Pau. Our findings of fact and recommendations are based upon such testimony and evidence.

Proposed Restructure of the Eastern Missouri Laborers' District Council and the Western Missouri & Kansas Laborers' District Council and related jurisdictional changes to affiliates; proposed Merger of Local Union 319, Joplin, Missouri, into Local Union 663, Kansas City, Missouri; proposed Merger of Local Union 2002, Springfield, Illinois, into Local Union 773, Marion, Illinois; and proposed Provisional Status for newly formed District Council and Local Unions 662, 663, 830, 955 and 1290PE

By letter dated February 3, 2020, General President Terry O'Sullivan gave notice of the Midwest Regional Manager's proposal on the above-listed restructure, mergers, and jurisdictional changes to the officers and members of the following affiliates:

Eastern Missouri Laborers' District Council, St. Louis, Missouri
Western Missouri & Kansas Laborers' District Council, Kansas City
Laborers' Local Union 42, St. Louis, Missouri
Laborers' Local Union 110, Carondelet Tnsp, Missouri
Laborers' Local Union 660, St. Charles, Missouri
Laborers' Local Union 662, Jefferson City, Missouri
Laborers' Local Union 829, St. Genevieve, Missouri
Laborers' Local Union 830, St. Genevieve, Missouri
Laborers' Local Union 840, Rolla, Missouri
Laborers' Local Union 955, Columbia, Missouri
Laborers' Local Union 1104, Cape Girardeau, Missouri
Laborers' Local Union 264, Kansas City, Missouri

Laborers' Local Union 319, Joplin, Missouri
Laborers' Local Union 579, St. Joseph, Missouri
Laborers' Local Union 663, Kansas City, Missouri
Laborers' Local Union 1290, Kansas City, Kansas
Laborers' Local Union 1290PE, Kansas City, Kansas
Southern & Central Illinois Laborers' District Council, West-Frankfort, Illinois
Local Union 773, Marion, Illinois
Local Union 2002, Springfield, Illinois

The officers and members of the affected affiliates were advised of their right to attend and participate in the hearing or, alternatively, to submit written comments for consideration by the Special Hearings Panel. One written comment was received from Local Union 773 member Elius Reed and accepted into the record. The hearing was duly conducted, as noticed, in Maryland Heights, Missouri, with approximately 53 people in attendance.

Appearances:

John F. Penn, LIUNA Vice President and Midwest Regional Manager

Brandon Flinn, Business Manager, Eastern Missouri Laborers' District Council

Timothy Bell, Business Manager/Secretary-Treasurer, Western Missouri & Kansas Laborers' District Council

Additional officers and members of various affiliates, as noted in the record

After considering the testimony and evidence in this case, the Panel hereby

FINDS:

1. In recent years, LIUNA has consolidated, amalgamated and modified the jurisdiction of affiliates for myriad reasons related to the need to improve operations and maximize opportunities for growth. Such changes allow for enhanced efficiency and resource allocation. Affiliates in various states have also recognized a need for greater unity in the face of political attacks and setbacks. Restructuring has allowed affiliates to better deploy personnel to service members, and plan organizing strategies that leverage our power and relationships to strengthen the Union's ability to grow. Members have generally benefitted by gaining access to a wider variety of job opportunities, training opportunities, and other Union resources including staffing levels, increased political mobilization, and organizing potential, which in turn translate into improved working conditions.
2. The proposal under consideration here is made for similar purposes, based upon local conditions existing in the states of Missouri, Kansas and Illinois.

3. LIUNA's International Union Constitution (IUC) states that the General Executive Board (GEB) may "[u]pon notice and after hearing, ... revoke, consolidate or amalgamate the charters of Local Unions, District Councils, ... or other subordinate bodies and to define or revise their craft or territorial jurisdiction." IUC, Art. VIII, Section 2(g).
4. By letter to LIUNA General President Terry O'Sullivan, dated January 15, 2020, Vice President and Midwest Regional Manager John Penn requested the following changes:
 - a. that the Eastern Missouri Laborers' District Council and the Western Missouri & Kansas Laborers' District Council be merged into a single District Council;
 - b. that Local Union 319, Joplin, Missouri, be merged into Local Union 663, Kansas City, Missouri;
 - c. that the jurisdiction of Local Union 662, Jefferson City, Missouri, be expanded to include Camden and Morgan Counties, currently within the jurisdiction of Local Union 663;
 - d. that the jurisdiction of Local Union 663 be modified to accept the changes above (adding Local Union 319 and transferring Camden and Morgan Counties to Local Union 662), and additionally, to transfer its jurisdiction over the Luhr Brothers quarry to Local Union 830, Ste. Genevieve, Missouri;
 - e. that Local Union 830 accept the transfer of the Luhr Brothers quarry from Local Union 663;
 - f. that the jurisdiction of Local Union 955 be expanded to include public employee bargaining units currently within the geographical boundaries of the Eastern Missouri Laborers' District Council that are currently within the jurisdiction of Local Union 773 (University of Missouri; University of Missouri Health Care; City of Centralia; City of Columbia; Truman State University; City of Kirksville; Columbia Public Schools; and Boone County);
 - g. that the jurisdiction of Local Union 1290PE be expanded to include public employee bargaining units currently within the current geographical boundaries of the Western Missouri & Kansas Laborers' District Council, that are currently within the jurisdiction of Local Union 773 (University of Missouri, Kansas City);
 - h. that Local Union 2002, Springfield, Illinois be merged into Local Union 773, Marion, Illinois, subject to the conditions stated below in paragraph 13; and
 - i. that the following affiliates be placed into provisional status to facilitate these transitions: the newly formed District Council, to be named "the Missouri and Kansas Laborers' District Council"; and Local Unions 662, 663, 830, 955, and 1290PE.
5. Vice President and Regional Manager Penn has stated that the proposed restructure will "better serve our members, increase participation in Union meetings and events and increase market share." In addition, it is expected to "allow for the more seamless sharing of information, legislative priorities and organizing throughout the jurisdiction."

6. Vice President and Regional Manager Penn also stated that the proposed restructure will not affect any pension, health and welfare insurance or training of any member. The Panel accepts these representations, which are based upon his years of experience working with the affiliates and their related benefit funds.
7. The proposal was crafted and submitted after substantial input and planning, as evidenced by the comprehensive nature of exhibits submitted at the hearing by the Midwest Regional Office. The exhibits reflect that the proposal was noticed and considered at specially called meetings of District Council delegates for the Eastern Missouri Laborers' District Council; the Western Missouri & Kansas Laborers' District Council; the Southern and Central Illinois Laborers' District Council; as well as specially called meetings of Local Unions 319, 662, 663, 773, 830, 955, 1290PE and 2002. The affiliates took advisory votes on the proposals that affected them, and the proposal passed at all meetings.
8. The Business Managers of the affected District Councils and Local Unions appeared at the hearing and stated their agreement with the proposed restructure. No opposition was voiced by any individual in attendance, and no written statements were received that raised any objection to the proposal.
9. At the hearing, the Panel reviewed several aspects of the proposal in detail, and considered impacts of the restructure on the membership. Participants also engaged in a lengthy discussion about dues and per capita payments. If the proposal is accepted by the GEB, the Panel urges the newly formed District Council to work closely with the Regional Office to ensure a fair and equitable per capita tax and dues structure for the newly formed District Council and its affiliates.
10. In addition to the requests stated above, Regional Manager Penn also originally made several requests for Constitutional variances. The requests were presented at the hearing and affiliates agreed with the requests. Nevertheless, acknowledging these requests, the Panel recommends that the Regional Manager go through the normal process of submitting all variance requests to the General President.
11. In light of the documentary record, the testimony submitted, and other evidence received as part of this proceeding, the Panel finds that good cause has been shown for the proposed restructure. The Panel recommends that the restructure request be adopted, consistent with this Report and Recommendation.
12. Any officer election scheduled for the 2020 election cycle, for affiliates placed in provisional status as a result of this restructure, should be held in abeyance until the end of the provisional period.
13. Finally, the proposal suggests, and the Panel accepts, the premise that as for organizing future public employee units, Local Unions within the newly formed Missouri and Kansas Laborers' District Council that organize new public employee units, will be granted the right to organize such units as exist within their geographical jurisdiction. Local Union 773 will not assume newly organized public employee units within the

jurisdiction of the newly formed District Council, nor will it otherwise expand its jurisdiction within the Southern and Central Illinois District Council except for those units currently in Local Union 2002. (The bargaining unit of bus drivers in St. Louis, Missouri will remain in Local Union 773.) As for Local Unions 955 and 1290PE, other than the changes outlined above, these Locals will retain their current geographical jurisdictions and will be limited to their current geographical jurisdictions.

Accordingly, the Panel

RECOMMENDS:

That the General Executive Board approve the proposed restructure, as made by Vice President and Regional Manager Penn, and modified herein and in the record; and that his request for Constitutional variances be submitted to the General President for further consideration.

* * *

In accordance with the provisions of the Constitution, the above Findings of Fact and Recommendations are submitted to the General Executive Board for consideration and decision.

Respectfully submitted,

/s/

Terrence M. Healy
Vice President, Special Assistant to the General
President and Great Lakes Regional Manager

/s/

Rocco Davis
Vice President, Special Assistant to the General President
and Pacific Southwest Regional Manager