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122 L.R.R.M. (BNA) 3335

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631 F.Supp. 1073

United States District Court, W.D. Pennsylvania.

Cindy KLEPPICK, et al., Plaintiffs,

v.

PENNSYLVANIA TELEPHONE GUILD, Gale Dreves, James Bryne, John Zawackis, John Petrini, Frances Rotkiske, and Diana McCracken, Defendants.

Civ. A. No. 85-2344.

I

March 19, 1986.

Synopsis

Division chairpersons of state telephone union sought to enjoin referendum presented to members of union on question of whether union should affiliate with national communications union. Chairpersons moved for temporary and permanent injunction. The District Court, Simmons, J., held that: (1) record did not support contention that matters relative to referendum were not fully disclosed by state union, and (2) state union was not required to act on chairpersons' petitions urging that state union conduct affiliation referendum by secret mail ballot and that referendum ballot permit members to choose between affiliation with rival national unions.

Motion denied and case dismissed with prejudice.

West Headnotes (11)

[1] **Labor and Employment** 🔑 Superior, Subordinate, and Federated Bodies

231H Labor and Employment

231HXII Labor Relations

231HXII(B) Labor Organizations


231Hk1079 Superior, Subordinate, and Federated Bodies

231Hk1080 In General

(Formerly 232Ak141.1, 232Ak141 Labor

Relations)

Members of state telephone union were sufficiently permitted to participate in democratic union election concerning whether

to affiliate with national communications union, where full and fair debate on affiliation was held by all members, actual affiliation agreement and rejected agreement with rival union were distributed to membership, members seeking affiliation with rival union had complete access to all union members, and rival union representatives were permitted to attend membership meetings and to speak out against affiliation. Labor-Management Reporting and Disclosure Act of 1959, §§ 101, 501,  29 U.S.C.A. §§ 411, 501.

[2] **Labor and Employment** 🔑 Superior, Subordinate, and Federated Bodies

231H Labor and Employment


231HXII Labor Relations

231HXII(B) Labor Organizations

231Hk1079 Superior, Subordinate, and Federated Bodies

231Hk1080 In General

(Formerly 232Ak141.1, 232Ak141 Labor Relations)

State telephone union leaders sufficiently provided material information regarding proposed dues increase as result of proposed affiliation with national communications union and effect of affiliation on telephone union's autonomy, where at least six weeks prior to scheduled referendum vote each union member was sent or received copy of proposed affiliation agreement and communication's union constitution, and through series of mailings and meetings each member received pertinent information or explanations of all provisions and procedures. Labor-Management Reporting and Disclosure Act of 1959, §§ 101, 501,  29 U.S.C.A. §§ 411, 501.

1 Cases that cite this headnote

[3] **Labor and Employment** 🔑 Superior, Subordinate, and Federated Bodies

231H Labor and Employment

231HXII Labor Relations


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[231HXII\(B\)](#) Labor Organizations

[231Hk1079](#) Superior, Subordinate, and Federated Bodies

[231Hk1080](#) In General

(Formerly 232Ak140 Labor Relations)

Allegation that leaders of state telephone union improperly expended funds in furtherance of referendum to determine whether union would affiliate with national communications union was without merit, where division chairpersons making allegation, along with other division chairpersons, overwhelmingly voted in favor of submitting referendum on affiliation to membership. Labor-Management Reporting and Disclosure Act of 1959, §§ 101, 501,  29 U.S.C.A. §§ 411, 501.

[4] **Labor and Employment**  **Judicial Review or Intervention**

[231H](#) Labor and Employment

[231HXII](#) Labor Relations

[231HXII\(B\)](#) Labor Organizations

[231Hk1079](#) Superior, Subordinate, and Federated Bodies

[231Hk1089](#) Judicial Review or Intervention

[231Hk1089\(1\)](#) In General

(Formerly 232Ak140 Labor Relations)

Contention that balloting procedure in referendum to determine whether state telephone union would affiliate with national communications union was fraudulent was moot, where, after lengthy court-supervised negotiations, safeguards to protect balloting process were agreed upon.

[5] **Labor and Employment**  **Rights, Duties and Obligations of Members in General**

[231H](#) Labor and Employment

[231HXII](#) Labor Relations

[231HXII\(B\)](#) Labor Organizations

[231Hk1022](#) Rights, Duties and Obligations of Members in General

[231Hk1023](#) In General

(Formerly 232Ak100 Labor Relations)

Union members should pursue their right in genuine belief that they are trying to vindicate their rights as union members for sake of union and for sake of their rights as union members, and are not permitted to pursue alleged legal claim as tactic to advance interests of rival union.

[6] **Labor and Employment**  **Superior, Subordinate, and Federated Bodies**

[231H](#) Labor and Employment

[231HXII](#) Labor Relations

[231HXII\(B\)](#) Labor Organizations

[231Hk1079](#) Superior, Subordinate, and Federated Bodies

[231Hk1080](#) In General

(Formerly 232Ak141.1, 232Ak141 Labor Relations)

Failure of state telephone union leadership to honor members' petition, urging that referendum to determine whether union should affiliate with national communications union be conducted by secret mail ballot and that ballot permit members to choose between that and rival union, was not breach of fiduciary duty, where petitions at issue were actually drafted by top official with rival union who persuaded members to present them as though they were member petitions, and less than ten percent of membership signed petitions, rather than 40 percent necessary for mandatory action. Labor-Management Reporting and Disclosure Act of 1959, § 501, 29 U.S.C.A. § 501.

[1](#) Cases that cite this headnote

[7] **Labor and Employment**  **Judicial Review or Intervention**

[231H](#) Labor and Employment

[231HXII](#) Labor Relations

[231HXII\(B\)](#) Labor Organizations

[231Hk1008](#) Constitutions, By-Laws and Rules

[231Hk1014](#) Judicial Review or Intervention

(Formerly 232Ak137 Labor Relations)

Union officers' interpretation of union's own constitution is entitled to judicial deference, unless interpretation is patently unreasonable.

[1 Cases that cite this headnote](#)

[8] Labor and Employment 🔑 Superior, Subordinate, and Federated Bodies

231H Labor and Employment
231HXII Labor Relations
231HXII(B) Labor Organizations
231Hk1079 Superior, Subordinate, and Federated Bodies
231Hk1080 In General
(Formerly 232Ak141.1, 232Ak141 Labor Relations)

Potential for loss of state telephone union's autonomy resulting from vote on affiliation with national communications union did not preclude such vote under union constitution.

[9] Labor and Employment 🔑 Amount

231H Labor and Employment
231HXII Labor Relations
231HXII(B) Labor Organizations
231Hk1031 Dues, Fees, and Assessments
231Hk1036 Amount
(Formerly 232Ak104 Labor Relations)

Question of dues increase which would result from state telephone union's affiliation with national communications union did not have to be voted on separate ballots under either state union's constitution or Labor Management Reporting and Disclosure Act. Labor-Management Reporting and Disclosure Act of 1959, § 2 et seq., 29 U.S.C.A. § 401 et seq.

[1 Cases that cite this headnote](#)

[10] Labor and Employment 🔑 Judicial Review or Intervention

231H Labor and Employment
231HXII Labor Relations
231HXII(B) Labor Organizations
231Hk1074 Duties and Liabilities of Officers
231Hk1078 Judicial Review or Intervention
(Formerly 232Ak140 Labor Relations)

Purpose of 29 U.S.C.A. § 501, relating to fiduciary responsibility of officers of labor organizations, is not to provide judicial oversight of union decisions, but to redress unreasonable and arbitrary actions of unions. Labor-Management Reporting and Disclosure Act of 1959, § 501, 29 U.S.C.A. § 501.

[4 Cases that cite this headnote](#)

[11] Equity 🔑 Nature of Unconscionable Conduct

150 Equity
150I Jurisdiction, Principles, and Maxims
150I(C) Principles and Maxims of Equity
150k65 He Who Comes Into Equity Must Come with Clean Hands
150k65(2) Nature of Unconscionable Conduct

Members of state telephone union seeking to enjoin referendum on whether state union should affiliate with national communications union had unclean hands and were not entitled to equitable relief, where members were admittedly representing rival union which sought to take over state union rather than interest of state union.

All Citations

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