the Assistant Secretary setting out the results of the balloting; and pertinent
details of the hearing and vote. Notice
thereof shall be given to the membership of such labor organization promptly
and copies shall be furnished to all interested parties.

§ 417.24 Appeal to the Assistant Sec-
retary.

(a) Within 15 days after mailing of
the report of the Assistant Secretary’s
Representative, any interested party
may appeal the conduct of the hearing
or vote or both by filing written excep-
tions with the Assistant Secretary.
Blanket appeals shall not be received.
Impertinent or scandalous matter may
be stricken by the Assistant Secretary,
or an appeal containing such matter or
lacking in specifications may be dis-
missed.
(b) Upon review of the whole record,
the Assistant Secretary shall issue a
decision or may order further hearing,
a new vote, or such further proceedings
as he deems appropriate.

[29 FR 8264, July 1, 1964, as amended at 50 FR
31310, Aug. 1, 1985]

§ 417.25 Certification of results of vote.

Upon receipt of the report of the As-
sistant Secretary’s Representative on
the hearing and vote on removal, the
Assistant Secretary shall certify the
results of the vote to the court as re-
quired by section 402(c) of the Act.

PART 451—LABOR ORGANIZA-
tions as Defined in the
Labor-Management Report-
ing and Disclosure Act of
1959

451.1 Introductory statement.
451.2 General.
451.3 Requirements of section 3(i).
451.4 Labor organizations under section 3(j).
451.5 “State or local central body.”
451.6 Extraterritorial application.

AUTHORITY: Secs. 3, 208, 401, 73 Stat. 520,
529, 533 (29 U.S.C. 402, 438, 461); Secretary’s

SOURCE: 29 FR 14388, Dec. 27, 1963, unless
otherwise noted.

§ 451.1 Introductory statement.

(a) This part discusses the meaning and
scope of sections 3(i) and 3(j) of the
Labor-Management Reporting and Dis-
closure Act of 1959\(^1\) (hereinafter re-
ferred to as the Act). These provisions
define the terms “labor organization”
and “labor organization * * * in an in-
dustry affecting commerce” for pur-
poses of the Act.\(^2\)

(b) The Act imposes on labor organi-
zations various obligations and prohib-
itions relating generally, among other
things, to the reporting of information
and election and removal of officers.
Requirements are also imposed on the
officers, representatives, and employ-
ees of labor organizations. In addition,
certain rights are guaranteed the mem-
bers thereof. It thus becomes a matter
of importance to determine what orga-
nizations are included within the appli-
cability of the Act.

(c) The provisions of the Act, other
than title I and amendments to other
statutes contained in section 505 and
title VII, are subject to the general in-
vestigatory authority of the Secretary
of Labor embodied in section 601\(^3\) (and
delegated by him to the Assistant Sec-
retary), which empowers him to inves-
tigate whenever he believes it nec-
essary in order to determine whether
any person has violated or is about to
violate such provisions. The correct-
ness of an interpretation of these pro-
visions can be determined finally and
authoritatively only by the courts. It
is necessary, however, for the Assistant
Secretary to reach informed conclu-
sions as to the meaning of the law to
enable him to carry out his statutory


\(^2\) It should be noted that the definition of
the term “labor organization,” as well as
other terms, in section 3 are for purposes of
those portions of the Act included in titles I,
II, III, IV, V (except section 505) and VI. They
do not apply to title VII, which contains
amendments of the National Labor Relations
Act, as amended, nor to section 505 of title
V, which amends section 302 (a), (b), and (c)
of the Labor Management Relations Act,
1947, as amended. The terms used in title VII
and section 505 of title V have the same
meaning as they have under the National
Labor Relations Act, as amended, and the
Labor Management Relations Act, 1947, as
amended.

\(^3\) Sec. 601, 73 Stat. 539, 29 U.S.C. 521.
Ofc. of Labor-Management Standards, Labor § 451.3

Ofc. of Labor-Management Standards, Labor § 451.3

§ 451.3 Requirements of section 3(i).

(a) Organizations which deal with employers. (1) The term "labor organization" includes "any organization of any kind, any agency, or employee representation committee, group, association, or plan * * * in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, * * *." The quoted language is deemed sufficiently broad to encompass any labor organization irrespective of size or formal attributes. While it is necessary for employees to participate therein, such participating employees need not necessarily be the employees of the employer with whom the organization deals. In determining who are "employees" for purposes of this provision, resort must be had to the broad definition of "employee" contained in section 3(f) of the Act. It will be noted that the term includes employees whose work has ceased for certain specified reasons, including any current labor dispute.

(2) To come within the quoted language in section 3(i) the organization must exist for the purpose, in whole or in part, of dealing with employers concerning grievances, etc. In determining whether a given organization exists wholly or partially for such purpose, consideration will be given not only to formal documents, such as its constitution or bylaws, but the actual functions and practices of the organization as well. Thus, employee committees which regularly meet with management to discuss problems of mutual interest and handle grievances are "labor organizations", even though they have no formal organizational structure.

3 Sec. 3(f) reads: "'Employee' means any individual employed by an employer, and includes any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice or because of exclusion or expulsion from a labor organization in any manner or for any reason inconsistent with the requirements of this Act."
