

## § 452.6

election provisions unless the violations found are such that the outcome may have been affected.<sup>6</sup>

[38 FR 18324, July 9, 1973, as amended at 50 FR 31310, Aug. 1, 1985; 63 FR 33780, June 19, 1998]

### § 452.6 Delegation of enforcement authority.

The authority of the Secretary under the Act has been delegated in part to the Assistant Secretary.

[38 FR 18324, July 9, 1973, as amended at 50 FR 31309, Aug. 1, 1985]

## Subpart B—Other Provisions of the Act Affecting Title IV

### § 452.7 Bill of Rights, title I.

The provisions of title I, “Bill of Rights of Members of Labor Organizations”<sup>7</sup> (particularly section 101(a)(1) “Equal Rights,” section 101(a)(2) “Freedom of Speech and Assembly,” and section 101(a)(5) “Safeguards against Improper Disciplinary Action”) are related to the rights pertaining to elections. Direct enforcement of title I rights, as such, is limited to civil suit in a district court of the United States by the person whose rights have been infringed.<sup>8</sup> The exercise of particular rights of members is subject to reasonable rules and regulations in the labor organization’s constitution and by-laws.<sup>9</sup>

### § 452.8 Trusteeship provisions, title III.

Placing a labor organization under trusteeship consistent with title III, may have the effect of suspending the application of title IV to the trustee organization (see § 452.15).

### § 452.9 Prohibition against certain persons holding office; section 504.

Among the safeguards for labor organizations provided in title V is a prohibition against the holding of office by

<sup>6</sup> *Dunlop v. Bachowski*, 421 U.S. 560, 570 (1975), citing *Wirtz v. Glass Bottle Blowers*, 389 U.S. 463, 472 (1968) and *Schonfeld v. Wirtz*, 285 F. Supp. 705, 707–708 (S.D.N.Y. 1966).

<sup>7</sup> 73 Stat. 522, 29 U.S.C. 411.

<sup>8</sup> But the Secretary may bring suit to enforce section 104 (29 U.S.C. 414).

<sup>9</sup> Act, sec. 101(a)(1), 101(a)(2), and 101(b) (29 U.S.C. 411).

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certain classes of persons.<sup>10</sup> This provision makes it a crime for any person willfully to serve in certain positions, including as an elected officer of a labor organization, for a period of three to thirteen years after conviction or imprisonment for the commission of specified offenses, including violation of titles II or III of the Act, or conspiracy or attempt to commit such offenses. It is likewise a crime for any labor organization or officer knowingly to permit such a person to serve in such positions. Persons subject to the prohibition applicable to convicted criminals may serve if their citizenship rights have been fully restored after being taken away by reason of the conviction, or if, following the procedures set forth in the Act, it is determined that their service would not be contrary to the purposes of the Act.

[50 FR 31310, Aug. 1, 1985]

### § 452.10 Retaliation for exercising rights.

Section 609, which prohibits labor organizations or their officials from disciplining members for exercising their rights under the Act, and section 610, which makes it a crime for any person to use or threaten force or violence for the purpose of interfering with or preventing the exercise of any rights protected under the Act, apply to rights relating to the election of officers under title IV.

## Subpart C—Coverage of Election Provisions

### § 452.11 Organizations to which election provisions apply.

Title IV of the Act contains election provisions applicable to national and international labor organizations, except federations of such organizations, to intermediate bodies such as general committees, conferences, system boards, joint boards, or joint councils, certain districts, district councils and similar organizations and to local labor

<sup>10</sup> Act, sec. 504(a) (29 U.S.C. 504), as amended by the Comprehensive Crime Control Act of 1984, Public Law 98–473, secs. 229, 235, 803 and 804. See text at footnote 23 for a list of the disabling crimes.