



May 8, 2014

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your May 30, 2013 complaint filed with the U.S. Department of Labor alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the June 8, 2013 election of union officers held by Local 354 of the International Brotherhood of Electrical Workers (IBEW).

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to each of your specific allegations that no violation occurred that may have affected the outcome of the election.

You alleged that on May 2, 2013, [REDACTED] verbally harassed and threatened you because you nominated [REDACTED] for the position of business manager the previous day. You alleged that [REDACTED] yelled, cursed, and berated you for nominating [REDACTED] – who [REDACTED] alleged had a criminal history.

During the Department's investigation, [REDACTED] admitted that he confronted you outside the union hall before the May 2nd nomination meeting because you nominated [REDACTED] at the May 1, 2013 nomination meeting in Salt Lake City, Utah.

Section 401(e) of the LMRDA, 29 U.S.C. § 481(e), provides that "a reasonable opportunity shall be given for the nomination of candidates and every member in good standing...shall have the right to vote for or otherwise support the candidate or candidates of his choice, without being subject to penalty, discipline, or improper interference or reprisal of any kind by such organization or any member thereof." See 29 C.F.R. §§ 452.82, 452.105. However, Section 402(c) of the LMRDA, 29 U.S.C. § 482(c), provides that a union election may only be set aside if a violation may have affected the outcome of the election.

While [REDACTED] conduct toward you may have risen to the level of reprisal for exercising your right to nominate [REDACTED], it could not have affected the outcome of the

election. As you acknowledged during the investigation, [REDACTED] was a candidate in the election, you did not want to nominate any additional candidates, and you were not aware of any union members who were prevented from making nominations or voting. There was no violation affecting the outcome of the election.

Your complaint to the Department included allegations concerning an anonymous letter and the use of union funds to campaign. Section 402(a) of the LMRDA requires that union members protest matters internally to the union prior to raising them with the Department. Because you did not protest these matters internally to the union, the allegations were not properly before the Department and were not investigated.

For the reasons set forth above, the Department of Labor concluded that no violation of the LMRDA occurred that could have affected the outcome of the Local 354 election. Accordingly, the office has closed the file on this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Edwin D. Hill, International President
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