

**U.S. DEPARTMENT OF LABOR
OFFICE OF LABOR-MANAGEMENT STANDARDS
WASHINGTON, DC 20210**

DETERMINATION

Determination of a Complaint Filed under Title IV
of the Labor-Management Reporting and Disclosure Act of 1959

On July 20, 2009, the Secretary of Labor received a complaint alleging violations of Section 401 of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), in the regularly scheduled election of officers conducted on June 23, 2009, by Electrical Workers IBEW Local 363 in Harriman, New York.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that Local 363 violated Section 401(e) of the LMRDA by not uniformly applying Article XV, Section 5 of the IBEW Constitution which prohibits electrical employers from running for office. Two members who were project managers were permitted to run for office while another member was disqualified for the same reason.

Apprised of this finding, Electrical Workers IBEW Local 363 agreed to conduct new nominations, a new election, and installation for seven executive board members, seven international convention representatives, and eight alternates to the international convention under the supervision of the Secretary of Labor, in accordance with Title IV of the LMRDA. The agreed upon remedial election was concluded on December 10, 2009. It is, therefore,

DETERMINED, that there is probable cause to believe that a violation of Title IV of the LMRDA occurred which may have affected the outcome of the election conducted by Electrical Workers IBEW Local 363 on June 23, 2009, but that this violation has been remedied by the new election, conducted in accordance with Title IV of the LMRDA, under the supervision of the Secretary of Labor, on December 10, 2009.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on June 23, 2009 is not warranted.

Signed this 13th day of January, 2010.

Cynthia M. Downing
Chief, Division of Enforcement

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210



January 15, 2010

Dear |||||:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210



January 15, 2010

Mr. John Maraia, Business Manager/Financial Secretary
Electrical Workers IBEW Local 363
67 Commerce Drive South
Harriman, New York 10926-3100

Dear Mr. Maraia:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210



January 15, 2010

Mr. Edwin D. Hill, International President
IBEW
900 7th Street, NW
Washington, DC 20001

Dear Mr. Hill:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210



January 15, 2010

Dear |||||:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure