



November 3, 2021

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the United States Department of Labor (Department) on August 16, 2021, alleging violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA). You alleged that violations occurred in connection with the regularly scheduled election of union officers conducted by the International Brotherhood of Electrical Workers (IBEW) Local 11 on March 16, 2021.

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

You alleged that Local 11 permitted ineligible members to participate in the election by allowing Engineers and Architects Association (EAA) members of Local 11's Unit 1894 to vote. Specifically, you alleged that EAA members should not have been permitted to vote because they did not pay the required dues in accordance with the EAA and Local 11 Affiliation Agreement, the IBEW Constitution, and the Local 11 Bylaws.

Section 401(e) of the LMRDA requires unions to conduct elections of officers in accordance with their constitution and bylaws, and provides that every member in good standing has the right to vote in such elections. 29 U.S.C. § 481(e). The Department will accept the interpretation consistently placed on a union's governing documents by the responsible union official or governing body unless the interpretation is clearly unreasonable. *See* 29 C.F.R. § 453.3.

The Department's investigation established that Local 11 was composed of "A" members and "BA" members during the March 2021 election.¹ EAA members were

¹ Pursuant to the IBEW Constitution, "A" members participate in the IBEW pension benefit fund and "BA" members do not. *See* IBEW Const., dated 2016, Art. XI, Sec. 6(a), and Art. XIII, Secs. 8, 10.

part of the “BA” category. Effective January 1, 2020, the IBEW Constitution required all members to pay \$20 per month in per capita tax to maintain good standing. IBEW Constitution, dated 2016, Article IX. Additionally, the Local 11 Bylaws, Article X, Section 9, listed “basic dues” for EAA members of \$4.50 per month, “plus .08% gross monthly income” for “working dues.”

Although the Local 11 Bylaws listed a percentage of gross monthly income as working dues for EAA members, Local 11 was also governed by the Affiliation Agreement between EAA and Local 11, which established a dues structure for EAA members. The Affiliation Agreement dues structure did not list working dues as an obligated payment. Instead, it provided, “EAA members shall pay per capita dues for affiliation with Local 11. See Attachment B [Per-Capita Dues Structure].” Affiliation Agreement, para. 5 (brackets in original). That dues structure, dated January 2012, listed the following payments for “BA” members:

International Per Capita	\$15.00
Local Union Fee	\$3.50
Death Benefits (optional)	\$2.00
Political Action Committee (PAC optional)	<u>\$1.00</u>
Total	\$21.50

When asked about the conflict between the dues provisions for EAA members in the Bylaws as compared to the Affiliation Agreement, Local 11 Business Manager Joel Barton informed the Department that the Bylaws inaccurately included working dues for EAA members and that Local 11 instead followed the dues structure in the Affiliation Agreement. The union’s interpretation of the conflict in its governing documents was reasonable. *See* 29 C.F.R. § 453.3. EAA-IBEW members, therefore, were not required to pay the .08% working dues in order to maintain good standing in Local 11. Furthermore, the Department confirmed that all EAA members paid dues, including per capita tax and basic dues, by checkoff. *See* 29 C.F.R. § 452.87. Local 11 properly determined that such EAA members who voted in the election were in good standing and eligible to vote. Accordingly, there was no violation of the LMRDA.

With respect to your assertion that EAA members were not eligible to vote because EAA dissolved its affiliation with IBEW, the investigation established that no such disaffiliation occurred. The Department confirmed that only EAA members in good standing received a mail-in ballot and voted in the election. There was no violation of the Act.

For the reasons set forth above, the Department has concluded that there was no violation of the LMRDA that may have affected the outcome of the election. Accordingly, the office has closed its file in this matter.

Sincerely,

[REDACTED]

[REDACTED]

Chief, Division of Enforcement

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