



June 8, 2011

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your October 18, 2010 complaint filed with the United States Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), 29 U.S.C. §§ 481 - 484, occurred in connection with the June 28, 2010 run-off election of union officers held by Local Union 131 of the International Brotherhood of Electrical Workers AFL-CIO.

The Department of Labor conducted an investigation of each of your allegations. As a result of the investigation, the Department concluded that no violation of the LMRDA that may have affected the outcome of the June 28, 2010 run-off election occurred.

You alleged that the incumbent business manager of Local 131, [REDACTED] used his union cell phone and possibly the union's telephone list to campaign. Section 401(g) of the LMRDA prohibits the use of union or employer resources to promote the candidacy of any person.

The Department's investigation reviewed [REDACTED]'s union and personal records and found no evidence that he used his union-paid cell phone, Local 131's office phone, or Local 131's membership list to make campaign calls.

You also alleged that [REDACTED] included his union email address, which is provided for his use as Local 131's business manager, on his campaign letters. The Department's investigation confirmed that [REDACTED] included his union email address and phone number on his campaign letter. However, the investigation did not indicate that this information was used to promote his campaign. Section 402(c) of the LMRDA provides that a union election will only be overturned where a violation of the Act may have affected the outcome of the election. To the extent that [REDACTED]'s inclusion of his union e-mail address and phone number on campaign material may have violated the LMRDA, the investigation disclosed no evidence indicating that this information would have influenced how any member voted, or otherwise had any effect on the outcome of the election.

You alleged another violation of Section 401(g) of the LMRDA, that ██████ used his position as business manager to access jobsites to campaign to members. The Department's investigation found that ██████ visited several job sites during the election, but his visits were solely for union business. As the investigation showed that Crabtree did not engage in any campaigning during the visits, there was no violation of the LMRDA.

You alleged that the incumbent president, ██████ campaigned against you while working for the union by stating that Local 131 would be merged with another local if you were elected. The Department's investigation did not corroborate your allegation or find any evidence that ██████ campaigned during work hours. There was no violation of Section 401(g) of the LMRDA.

You also alleged that a supervisor for the employer Moore Electrical Services told workers to vote for the incumbent business manager, ██████. The Department's investigation revealed some evidence that that the supervisor reminded workers that it was election day, but no evidence that he indicated how employees should vote. There was no use of employer funds to promote any candidate and no violation of Section 401(g) of the LMRDA.

You further alleged that Crabtree campaigned within 50 feet of the polling site, which violated the election rules. The Department's investigation revealed that ██████ and ██████ greeted members who came to vote, but neither candidate engaged in any campaigning. There is no evidence of a violation of the LMRDA.

In addition to the aforementioned allegations, which were included in your written protest to the union, the union also considered and resolved your later verbal protest that ineligible members were allowed to vote in the June 28, 2010 election for business manager/financial secretary. Section 401(e) of the LMRDA requires that elections be conducted in accordance with a union's constitution and bylaws. The IBEW Constitution, Art. XV, Sec. 5, prohibits any member who is also an employer from voting in any local election. The union determined that two employers were improperly permitted to vote in the election. The Department's investigation of the voter eligibility list revealed that at least six ineligible employers voted in the June 28, 2010 election for business manager. As employers voted in the election in violation of the IBEW Constitution, there was a violation of Section 401(e) of the LMRDA. However, the violation had no effect on the outcome of the election because the incumbent business manager Crabtree was elected by a margin of at least 34 votes.

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Edwin D. Hill, International President
International Brotherhood of Electrical Workers
900 Seventh Street, N.W.
Washington, DC 20001

Michael Bearden, President
IBEW Local 131
3641 E. Cork Stree
Kalamazoo, Michigan 49001

Beverly Dankowitz, Acting Associate Solicitor
Civil Rights and Labor-Management Division