



October 27, 2011



Dear [REDACTED]:

This Statement of Reasons is in response to your June 20, 2011 complaint filed with the United States Department of Labor (Department) alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA) occurred in connection with the election of officers of the International Brotherhood of Electrical Workers (IBEW) Local 1186 conducted on June 18, 2011.

The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded, with respect to your allegation, that there was no violation of the LMRDA.

You alleged that Local 1186 violated section 401(e) of the LMRDA by improperly disqualifying you as a candidate for Business Manager/Financial Secretary/Delegate in the June 2011 election. Section 401(e) requires that every member in good standing shall be eligible to be a candidate and to hold office, subject to section 504 and to reasonable qualifications uniformly imposed. IBEW's Constitution, Article XV, Section 5 states that "no L.U. [Local] shall allow any member who becomes an electrical employer, or a partner in an electrical employing concern, to hold office in the L.U. [Local] . . ." This qualification on candidacy seeks to avoid the election of an employer whose interest may conflict with those of the rank and file members. The Local Bylaws, Article XVI, Section 22 also set forth a conflict of interest rule. The Bylaws state that "[a] member may perform electrical work within the Local Union jurisdiction only under the following conditions: (a) is employed by an employer who has a collective bargaining agreement with Local Union 1186 or (b) has a collective bargaining agreement with Local Union 1186." Conflict of interest rules such as these are not per se unreasonable under the LMRDA. *See* 29 C.F.R. § 452.47.

Moreover, the investigation revealed the union properly applied the rule in disqualifying you from running for union office. The investigation revealed that at the time of nominations you were licensed as a Responsible Management Employee (RME) for Capital Electric & Energy Solutions, LLC - a business formed by your wife. The Department of Labor's investigation revealed that the State Department of Commerce and Consumer Affairs had record of your withdrawing your RME status but not until

May 23, 2011. The nominations however were held five days earlier on May 18, 2011, at which time your license was active.

The investigation revealed that the Local did not treat candidates differently when applying the rule. The Local reviewed state licensing records with respect to all nominees and found no other existing conflicts. Therefore, you were properly disqualified from running for office and no violation of the LMRDA occurred.

In addition to these allegations, you raised issues concerning the improper use of union funds, distribution of campaign material and adequate notice of the election that had not been raised in your protest to Local 1186. As these allegations were not properly before the Department, they were not investigated or considered. 29 C.F.R. § 452.136(b-1).

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred. 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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