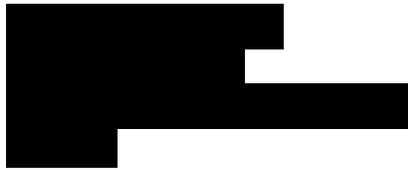




March 6, 2012



Dear [REDACTED]

This Statement of Reasons is in response to your complaint received by the Department of Labor on November 2, 2011, 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 at the Convention of the International Brotherhood of Electrical Workers (IBEW), conducted on September 19, 2011.

The Department of Labor conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that there were no violations of the LMRDA.

You alleged that the election official conducting nominations failed to recognize your nominator, failed to call for nominations three times, and deliberately speeded the nominations process for International President so that your nominator would not have enough time to nominate you.

Section 401(c) of the LMRDA requires that adequate safeguards shall be provided to insure a fair election. Where elections are conducted at conventions of delegates, the Department's regulations provide that delegates must be provided ample opportunity to nominate candidates on behalf of themselves or the members they represent. 29 C.F.R. § 452.63.

The investigation determined that the procedure for being recognized to nominate a candidate at the IBEW convention entailed the delegate swiping his or her credentials card at one of fifteen stations; the election official would then turn on the microphone at that station, allowing the delegate to speak.

The investigation disclosed that one day prior to the September 19, 2011 nominations, you recruited delegate [REDACTED] to nominate you for the office of International President. The following day, the election official opened with nominations for International President. A delegate nominated the incumbent International President

and delivered a short speech. Thereafter, the election official called for further nominations three times. During that time, [REDACTED] approached one of fifteen stations, but did not swipe his credentials card at that station. [REDACTED] stated during the investigation that he arrived at the station late; he thereafter returned to his seat and did not protest any aspect of the nominations process.

Also, the investigation disclosed that each of the fifteen stations was tested each morning to ensure that they were functional. Further, a review of video footage of the election official opening and closing of nominations showed that he did not rush through nominations, repeated the call for nominations for International President three additional times, and allocated the same amount of time for the nomination of President as he provided to the nominations of International Secretary-Treasurer and International Executive Council Chairman. Your nominator had a reasonable opportunity to nominate you but did not arrive at a station in time to do so, through no fault of the union. There was no violation.

You alleged that the IBEW did not provide you a fair opportunity to campaign to delegates at the Convention when it did not permit you to register as a guest until September 19, 2011, prior to the opening session of the IBEW Convention, and denied you access to a sidewalk near the Convention Center where delegates entered and left that premises. Specifically, you alleged that by not being permitted to register prior to September 19th, you were unable to attend any of the delegate receptions where you could have campaigned.

The LMRDA contemplates that candidates will be provided with a reasonable opportunity to campaign. *See* 29 C.F.R. § 452.79. For the International Convention, the International reserved many hotels to accommodate its members. However, the International Convention was not held at any of those hotels, but rather at the Vancouver Convention Center (Center), which prohibited any campaigning on its premises.

The investigation determined that members seeking a guest pass were instructed to contact their vice president to obtain permission to attend, and did so well in advance of the Convention date. The investigation disclosed that the International Convention Call was sent on or around May 3, 2011, but you waited until a week prior to the commencement of the Convention to request to attend "as a Guest or Observer and sit in the gallery to watch the proceedings."

By letter dated September 16, 2011, International Vice President Phil Flemming instructed you to report to the registration desk on September 19 and you did not object

to the stated date. You attempted to register a day early, on September 18. The registration staff instructed you to seek Mr. Flemming's assistance in registering because you were not on the guest list due to the timing of your request, but you disregarded that instruction. Because you were not registered and did not obtain your credentials, you were unable to attend delegate receptions on September 18, 2011.

The IBEW did not deny you a reasonable opportunity to campaign. The evidence revealed that registration as a guest had no impact on your opportunity to campaign as campaigning was prohibited at all IBEW functions, at the delegate receptions, and on Convention Center property. The investigation did not reveal that any campaigning occurred at any of the events that you were barred from attending.

Despite your inability to register on September 18, you nevertheless campaigned that evening. The investigation disclosed that you distributed, by your estimate, approximately 300 campaign flyers while across the street from the Center, to delegates as they emerged from the Center following the delegate receptions. Security guards told you to move to a different location but you returned to an area close to that location and continued to distribute more campaign flyers after you were advised that campaigning outside of the Convention Center property line was permissible. There is no evidence that IBEW officials steered delegates away from your campaigning location. You had a reasonable opportunity to campaign. There was no violation.

You alleged that the incumbent slate distributed campaign materials during the convention functions and printed campaign slogans on hotel key cards that hotel clerks gave to delegates as they registered at some of the hotels. Section 401(g) of the LMRDA prohibits unions and employers from expending monies and resources to promote any person's candidacy.

The investigation disclosed that the incumbent slate complied with the Center's no-campaigning rule, and the union enforced the rule for all candidates, at all official functions.

With respect to the distribution of hotel keys by your opponents, the investigation disclosed that the incumbent slate paid a conference management company to produce and distribute hotel key cards bearing the incumbent slate's campaign slogan at eleven hotels that had reserved rooms for IBEW Convention attendees. The hotel key cards were distributed by hotel staff. The investigation disclosed that many hotels routinely accept hotel cards from those who wish to advertise. The International was not involved in the production or delivery of these cards. This campaign strategy was available to any candidate. No resources of the hotels or union were expended to produce the hotel key cards. There was no violation.

For the reasons set forth above, your administrative complaint to the Department is dismissed, and I have closed the file in this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Edwin D. Hill, International President
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Christopher B. Wilkerson,
Associate Solicitor for Civil Rights and Labor-Management