



November 20, 2012

Mr. Aeyiou P. Kazolias

[REDACTED]

Dear Mr. Kazolias:

This Statement of Reasons is in response to your May 24, 2012 complaint filed with the U.S. Department of Labor alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the June 23, 2012 election of union officers held by Local Union 363 of the International Brotherhood of Electrical Workers (IBEW). The Department investigated all the allegations in your complaint and concluded that no violation of the LMRDA that may have affected the outcome of the Local 363 election of officers occurred.

You alleged that the IBEW Constitution and Local 363 Bylaws were violated because you were not allowed to remove [REDACTED] from his position as the election judge after he appointed [REDACTED] to be a teller. You stated that you suspected [REDACTED] of election fraud because you believed that [REDACTED] was a member of management, who the incumbent business manager Sam Fratto wanted on the election committee.

The investigation found that [REDACTED] was not a member of management. [REDACTED] employer verified that his position as a general foreman was not a management position. The investigation found (and you provided) no evidence that [REDACTED] colluded with management or that his appointment of [REDACTED] was improper in any way.

Section 401(e) of the LMRDA requires that a union conduct officer elections in accordance with its constitution and bylaws. However, nothing in the IBEW Constitution or Local 363 Bylaws guarantees a local union president the right to remove or replace an election judge. The IBEW's determination that you did not have the authority to remove [REDACTED] from the position of election judge did not violate the union's constitution or bylaws. Thus, there was no violation of the LMRDA.

For the reasons set forth above, the Department of Labor concluded that no violation of the LMRDA occurred that could have affected the outcome of the Local 363 election. 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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Christopher Wilkinson, Associate Solicitor
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