



April 16, 2013

Mr. James Kravec, Business Manager  
IBEW Local 1377  
18051 Jefferson Park, Suite 103  
Middleburg Heights, Ohio 44130

Dennis Hoert  
[REDACTED]

Dear Messrs. Kravec and Hoert:

This Statement of Reasons is in response to your complaint received by the U.S. Department of Labor on November 9, 2012, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the election of officers of Local 1377, International Brotherhood of Electrical Workers (IBEW), conducted on June 19, 2012, by mail ballot.

The Department of Labor conducted an investigation of your allegations. As a result of the investigation, the Department concluded, with respect to each of the specific allegations, that there were no violations that may have affected the outcome of the election.

You alleged that the International improperly overturned Local 1377's June 19, 2012 election. The requirement set out in section 402(a) of the LMRDA that a member exhaust internal union remedies before complaining to the Secretary of Labor of a violation of the LMRDA, was included in the LMRDA to give unions the first opportunity to correct election irregularities and deficiencies thereby preserving a maximum amount of union independence and encouraging responsible self-government without unnecessary governmental interference in union affairs.

In furtherance of this legislative objective, the Secretary accords a degree of deference to decisions on internal union election protests providing for the conduct of a new election. The Secretary will not seek to reverse a union's remedial decision to hold a new election, even if the evidence could be viewed as insufficient to support a decision by the Secretary to sue to overturn the original election, unless it is apparent that the union's decision was based on the application of a rule that violates the LMRDA; the decision was made in bad faith, such as to afford losing candidates a second

opportunity to win; or the decision is unreasonable or otherwise contrary to the principles of union democracy embodied in the statute.

None of the exceptions cited above apply to the present situation. The International's decision to overturn the June 19<sup>th</sup> election was not politically motivated or based on an unlawful purpose. The Department's investigation disclosed that the International overturned the 2012 election to ensure the integrity of and confidence in the election process. The International's investigation disclosed that the Local 1377 election judge did not have adequate protections in place to safeguard the election process.

First, the International found that the election judge, the person designated as the authority over the election process under the IBEW Local Union Election Guide, did not provide his contact information to the membership. This resulted in members not knowing how to request and obtain a duplicate ballot. Second, the International found that the election judge neglected to provide his contact information to candidates. As a result, candidates who wanted to make a campaign mailing were unable to contact the election judge. Third, the International found that the election judge took a hands-off approach to certain election procedures, such as not being involved with the creation and printing of the ballots. Instead, you, an incumbent candidate in the election, ordered and picked up the original ballots from a printing company, ordered a new set of ballots after a candidate on the original ballot was declared ineligible, and provided the new set of ballots to the election judge, after reviewing them yourself. Thus, a candidate in the election had unsupervised control and custody of the original ballots as well as the new ballots.

Moreover, the International found that there was a strong likelihood that candidates were not given the date and time of the preparation and mailing of the ballots, as required under the IBEW Election Guide and the Local 1377 Bylaws; that members' names and home addresses on the list used to conduct a campaign mailing were substantially different from those on the ballot mailing lists; and that an outdated mailing list was used to mail the ballots.

The Department's investigation confirmed the International's findings that adequate safeguards were lacking during the 2012 election. Under these circumstances, the International's decision to overturn the June 19, 2012 election was not unreasonable or otherwise contrary to the principles of union democracy embodied in the statute. The LMRDA was not violated.

For the reasons set forth above, your 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  
International Brotherhood of Electrical Workers  
900 Seventh Street, N.W.  
Washington, DC 20001

Christopher Wilkins, Associate Solicitor for Civil Rights and Labor-Management