



June 4, 2015



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the U.S. Department of Labor on August 21, 2014, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the runoff election of union officers conducted by Local 611, International Brotherhood of Electrical Workers (IBEW), on June 26, 2014.

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

You alleged that Local 611 did not comply with the union's notification requirement when it failed to mail approximately 400 ballots to members at least 15 days prior to the date voted ballots had to be received by the union for counting. You also alleged that Local 611 did not comply with the notice requirement set forth in 29 C.F.R. § 452.99 of the Department's interpretive regulations, during the June 26 runoff election.

The regulations at 29 C.F.R. § 452.99 and section 401(e) of the LMRDA require that notice of the election be mailed to each member at the member's last known home address not less than 15 days prior to the election. The regulations at 29 C.F.R. § 452.103 provide that, while the 15-day election notice requirement applies to any runoff election, a separate notice would not be necessary if the election notice for the first election advises the members of the possibility of a runoff election and specifies such details as the time and place of such runoff election as may be necessary.

The investigation disclosed that the first election was conducted on June 5, 2014, and a separate notice of that election was mailed to each member at the member's last known home address on April 11, 2014. A review of the notice showed that the notice advised members of the possibility of a runoff election, specified that, if necessary, a runoff election would be conducted within 21 days of the primary election, or June 26, and

provided the date and time that voted ballots had to be received by the union in order to be counted.

The election notice for the first election adequately advised members of the possibility of a runoff election and provided sufficient details about the election. While no separate election notice of the runoff election was required, members must still be given timely notice in some manner that a runoff election is necessary. Here, the ballots for the runoff election, which were mailed on June 12, provided notice to members that a runoff election was necessary and would be conducted on June 26.

It is true that Local 611 did not comply with the ballot mailing requirement prescribed in the IBEW Election Guide. The guide states, "mail a ballot to each member at least 15 days before the date when voted ballots must be mailed in order to be received by the specified date for counting ballots." The local, according to the guide, was therefore required to mail ballots to members at least 15 days prior to June 23, or by June 8. The local instead mailed the ballots to members on June 11 and June 12.

Section 401(e) of the LMRDA requires a union to conduct its election of officers in accordance with its constitution and bylaws. The IBEW constitution and the local bylaws are silent with respect to the mailing of ballots and the IBEW Election Guide is not part of the constitution and bylaws. In any event, the Department's review of the election records showed that the election was not affected by the union's action. The election committee retrieved 6 voted ballots from the post office box on June 27, 2014 and 8 ballots on June 30, 2014, for a total of 14 ballots. The runoff election included only the offices of president and business manager/financial secretary, and the vote margins for these races were 60 votes and 90 votes, respectively. Thus, these 14 ballots were insufficient to have affected the outcome of the election. The failure to mail ballots in accordance with the IBEW Election Guide did not violate the union's constitution and bylaws.

For the reasons set forth above, it is concluded that there was no violation of the LMRDA 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

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