



April 4, 2018



Dear 

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on July 13, 2017, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA), occurred in connection with the election of union officers conducted by the International Brotherhood of Electrical Workers (IBEW), Local 130, on June 10, 2017.

The Department of Labor conducted an investigation of your allegation. As a result of the investigation, the Department has concluded, with respect to the specific allegation, that there was no violation of the LMRDA. Following is an explanation of this conclusion.

You alleged that the union improperly ruled you ineligible for candidacy. Section 401(e) of the LMRDA provides that every member in good standing is eligible to be a candidate, subject to reasonable candidacy qualifications. 29 C.F.R. § 452.35. Article XV, section 16 of Local 130's bylaws prohibits any member who becomes an electrical employer, partner, estimator, or superintendent in an electrical company from holding office in the local union, voting, or attending meetings. Similarly, article 15, section 5 of the IBEW constitution prohibits a member who becomes an electrical employer, a partner in an electrical company, a general manager, or other managerial position from holding office in a local union, attending meetings, and voting in an election of local officers. The IBEW has consistently interpreted this prohibition to apply to any employer or partner that is a party to a bargaining agreement with any IBEW local union.

The investigation disclosed that you own 90 percent of a limited liability electrical company that is a signatory to a letter of assent with IBEW Local 136 and that this company employs individuals represented by IBEW Local 136. Therefore, you meet the IBEW definition of employer. As an employer, you were prohibited under the IBEW constitution and the Local 130 bylaws from being a candidate for and serving in union

office. In that you are an employer, the union acted reasonably in disqualifying you from candidacy. The LMRDA was not violated.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA, and I have closed the file in this matter.

Sincerely,



Sharon Hanley
Chief, Division of Enforcement

cc: Lonnie R. Stephenson, International President
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