



March 30, 2022



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the United States Department of Labor on September 2, 2021. The complaint alleged that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. § 481, occurred in connection with the July 2021 election of officers conducted by the International Brotherhood of Electrical Workers (IBEW), Local 520.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that no violations occurred which may have affected the outcome of the election.

You alleged that the union improperly denied you the right to run as a candidate for office in the July 2021 election. Specifically, you alleged that Local 520 Business Manager, Ben Brenneman, promised to pay your union dues to maintain your good standing with the union while you were incarcerated; however, Brenneman failed to pay your dues each month, leaving you ineligible to run for office. Section 401(e) of the LMRDA provides that every member in good standing shall be eligible to be a candidate and to hold office, subject to reasonable qualifications uniformly applied. 29 U.S.C. § 481(e). Both the Local 520 Bylaws and the IBEW Constitution state that no member shall be eligible for any office unless the member has been a member in continuous good standing for at least two years prior to the election. *See* IBEW Const., Art. XVI, Sec. 10; Local 520 Bylaws, Art. III, Sec. 8(e).

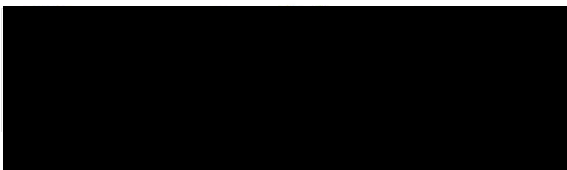
The Department's investigation established that although you and Brenneman spoke in January 2020 and at other points during your period of incarceration, neither Brenneman nor the union entered into a formal agreement to pay your union dues in order to maintain your continuous good standing. Brenneman provided a sworn declaration stating that he neither committed to pay your union dues during the entire time of your incarceration nor did he commit to maintaining your continuous good standing until you were released and returned to the local union. Further, the

Department's investigation revealed no evidence of a notarized letter sent to the local union containing your credit card or bank account information for purposes of deducting dues. You also could not provide the Department with any record of this communication. The investigation found that your son visited the local union and attempted to pay your arrears; however, it was explained to your son that you first had to be reinstated before your back dues could be paid. But regardless of the reinstatement issue, your son did not make this attempt until approximately eight months of dues had not been paid. Local 520 provides a three-month grace period for dues payments, but after three months, a member is no longer in good standing. As such, the fact that your son attempted to pay dues eight months after you became delinquent in your union dues would not have cured the fact that you had already lost continuous good standing. Ultimately, Brenneman paid the approximately \$800 in back dues and reinstatement fees so that you could return to Local 520 in good standing. The Department's investigation found that there never was a formal agreement with Local 520 to pay your union dues in order to maintain your continuous good standing during your period of incarceration. The failure to pay dues for more than three months caused you to lose continuous good standing, rendering you ineligible to run for union office. There was no violation.

You alleged that the union denied your request to mail campaign literature during the challenged election. The LMRDA requires that unions comply with candidate's reasonable requests to send campaign literature. 29 U.S.C. § 481(c). You alleged that you made a request to send a campaign mailing to the membership, but Local 520 denied you this opportunity. The Department's investigation revealed that you contacted the union about making a campaign mailing, but the union had deemed you ineligible to run for office. Section 401(c)'s requirements regarding campaign mailing only apply to candidates in a covered officer election. Because you were properly found ineligible to run as a candidate in the challenged election, the union had no obligation to comply with your request to send a campaign mailing. There was no violation of the LMRDA.

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

Sincerely,



Chief, Division of Enforcement

cc: Lonnie R. Stephenson, International President  
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