



September 21, 2023

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on June 16, 2023, alleging violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA). You alleged that violations occurred in connection with the regularly scheduled election of union officers conducted by Local 1 of the International Brotherhood of Electrical Workers (IBEW) on June 3, 2023.

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

You alleged that the selection of [REDACTED] as election judge violated the IBEW constitution. You alleged that [REDACTED] held the positions of director of governmental affairs for the IBEW Local 1/St. Louis chapter of the National Electrical Contractors Association (NECA) and vice president of the Electrical Connection, and that his selection as election judge therefore conflicted with article 25, section 1(f), of the IBEW Constitution, which states that members may be penalized for "[w]orking for, or on behalf of, any employer, employer supported organization, or other union, or the representatives of any of the foregoing, whose position is adverse or detrimental to the I.B.E.W."

When interviewed as part of the Department's investigation, you alleged that [REDACTED] positions with NECA and the Electrical Connection made him unable to vote during Local 1's contract negotiations and that [REDACTED] was therefore not eligible to serve as Local 1's election judge. You also stated that [REDACTED] appointment as election judge conflicted with article 15, section 5, of the IBEW constitution. That provision prohibits local unions from "allow[ing] any member who becomes an electrical employer, a partner in an electrical employing concern, a general manager, or other managerial position, to hold office in the L.U. or attend any of its meetings, or vote in any election

of a L.U.," but permits local unions to allow such members to continue their membership.

Section 401(e) of the LMRDA requires that elections be conducted in accordance with the union's constitution and bylaws insofar as they are not inconsistent with the provisions of Title IV. 29 U.S.C. § 481(e). Article 16, section 11, of the IBEW Constitution requires that a local union election judge must have been a member in good standing in the local union for at least two years immediately prior to nominations. It also states that the election judge must be selected, using the method stated in the local union's bylaws, no later than sixty days prior to the date when the local union sends its nomination-election notice, which is equivalent to eighty days prior to the nomination meeting. Article 3, section 4(a) of Local 1's bylaws specifies that the election judge be appointed by the local president and requires that they not be a candidate for any office.

The Department's investigation established that [REDACTED] met the election judge requirements contained in the union's constitution and bylaws. Specifically, the investigation disclosed that [REDACTED] had been a member in good standing of Local 1 for more than two years; that [REDACTED] was appointed election judge by the local president in a letter dated February 1, 2023, eighty days prior to the nomination meeting; and that [REDACTED] was not a candidate for any office.

The Department's investigation established that [REDACTED] is both the executive vice president and the director of governmental affairs for the Electrical Connection, which is a partnership of the St. Louis NECA chapter and IBEW Local 1. The investigation established that the Electrical Connection helps to promote the electrical industry by working on legislation, attending county commissions and city functions, attending industry conventions, meeting with developers, and promoting union contractors and union workers through advertising, and that [REDACTED] positions with the Electrical Connection are therefore neither adverse nor detrimental to the IBEW. The investigation further disclosed that [REDACTED] positions with the Electrical Connection do not make him an electrical employer; he does not bid on electrical contracts, is not responsible for hiring or firing electrical workers, and does not make individual decisions regarding the Electrical Connection's funds. The investigation established that [REDACTED] is allowed to attend Local 1 membership meetings and to vote during both officer elections and contract negotiations. In sum, the investigation established that [REDACTED] Electrical Connection positions have no bearing on his eligibility to serve as Local 1's election judge. There was no violation.

For the reasons set forth above, the Department of Labor concludes that there was no violation of the LMRDA that may have affected the outcome of the election. Accordingly, I have closed the file on this matter.

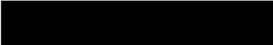
Sincerely,



Tracy L. Shanker
Chief, Division of Enforcement

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