



February 23, 2018

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on October 4, 2017, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of union officers conducted by Local 1260, International Brotherhood of Electrical Workers, on June 23, 2017.

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 there was no violation of the LMRDA that may have affected the outcome of the election.

You first alleged that Local 1260 used union personnel and resources to endorse candidates by email. Section 401(g) of the LMRDA prohibits the use of union or employer funds to promote a candidacy. The investigation confirmed that Local 1260 Unit 6 recorder [REDACTED] sent a campaign email from her work email account to 224 members at their work email addresses at 2:26 p.m. on May 17, 2017. [REDACTED] email stated that it was "very critical that PMRF/Hawaii votes for Russell Takemoto and Mike Murray" and attached a picture of the Takemoto slate's campaign flyer. Although [REDACTED] email stated that it was a message from Local 1260 senior assistant business manager Amy Ejercito, the investigation revealed that [REDACTED] wrote the email herself; it was not drafted by or forwarded to her from Ejercito. That same afternoon, two members who had received [REDACTED] email replied to the same recipient list, questioning the appropriateness of endorsing candidates by email and specifically mentioning the candidacy of [REDACTED] who was not a member of the Takemoto slate. The investigation revealed that Ejercito also sent emails to the same recipient list that same afternoon. Ejercito's emails requested that all recipients delete [REDACTED] email and noted that all candidates, including [REDACTED] were listed in the candidate profile pamphlet previously distributed to members.

The campaign emails sent using employer resources violated section 401(g) of the LMRDA. However, Section 402(c) of the LMRDA provides that an election will be overturned only where a violation may have affected the outcome of the election. Here, the investigation did not show that these violations may have affected the outcome of the election. Of the 224 members who were sent the campaign emails, only 84 voted in the election. The campaign emails may have affected the votes of only these 84 members. The smallest vote margin in the election was 131. Thus, there was no violation of the LMRDA that may have affected the outcome of the election.

You also alleged that Local 1260 assistant business manager Michael Brittain and Unit 7 executive board member Gerald Miller distributed campaign materials at a membership meeting on Kauai. You further alleged that campaign materials were distributed at employers Hawaiian Electric Company (HECO), Maui Electric Company (MECO), and Hawaiian Electric Light Company (HELCO). As noted above, section 401(g) of the LMRDA prohibits the use of union or employer funds to promote a candidacy.

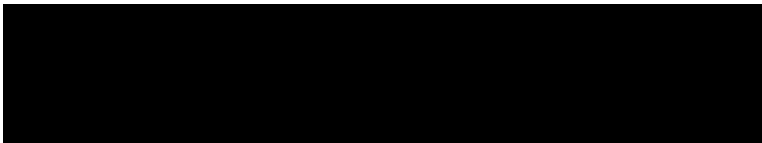
The investigation did not substantiate these allegations. The individuals you identified as witnesses to these violations refused to participate in the investigation or did not witness the alleged violations. Brittain and Miller denied distributing campaign materials at any membership meeting. Brittain stated that he saw slate cards in the HECO control room, but other members employed at HECO stated that they did not receive or see campaign materials at work. In addition, officials at HECO, MECO, and HELCO stated that they did not witness, hear about, or receive complaints about campaigning at their facilities. The officials further stated that any campaign literature found on company property, including break rooms, would be discarded. There was no violation.

Finally, you alleged that incumbent officers sent a campaign mailer only to certain members, using their own mailing list, and did not go through Service Printers Hawaii, the contracted printing service. Section 401(c) of the LMRDA prohibits disparate treatment of candidates for union office, including discrimination in favor of or against any candidate with respect to the use of membership lists.

The investigation disclosed that the incumbent officers used Service Printers Hawaii for their only campaign mailing. Service Printers Hawaii confirmed that the permit number on the incumbent officers' campaign mailer (1838) was its permit number. Service Printers Hawaii further confirmed that it fulfilled the incumbent officers' request using the membership list provided by the union. The investigation also disclosed that the incumbent officers mailed their campaign literature to only a portion of the membership. The LMRDA does not require candidates to distribute campaign literature to the entire membership. 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,




Sharon Hanley
Chief, Division of Enforcement

cc: Lonnie R. Stephenson, International President
International Brotherhood of Electrical Workers
900 Seventh Street NW
Washington, DC 20001

Russell Takemoto, Business Manager/Financial Secretary
IBEW Local Union 1260
700 Bishop Street #1600
Honolulu, HI 96813

Beverly Dankowitz, Associate Solicitor
Civil Rights and Labor-Management Division

bcc: LADO DIS File: 520-6012101(01); 520-6012121(01)
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Initials	AJD			
Date	2/21/18	2/22/2018		
Last Name	Dunn	HANLEY		
Title	DOE Inv.	DOE Chief		

Case String: 520601210101; 520601212101 LM: 013873 DOE Number: 9110; 9111