

U.S. DEPARTMENT OF LABOR
OFFICE OF LABOR-MANAGEMENT STANDARDS
WASHINGTON, DC 20210

DETERMINATION

Determination of a Complaint Filed under Title IV
of the Labor-Management Reporting and Disclosure Act of 1959

On November 6, 2009, the Secretary of Labor received a complaint alleging violations of Section 401 of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), in the regularly scheduled election of officers conducted on October 14, 2009, by Waltham Drivers' Association in Waltham, Massachusetts.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that the union failed to provide adequate facilities for members to cast ballots in secret, failed to provide adequate safeguards to ensure a fair election, and denied an eligible member his right to vote.

Apprised of these findings, the Waltham Drivers' Association agreed to conduct a new election for president and vice president under the supervision of the Secretary of Labor, in accordance with Title IV of the LMRDA. The agreed upon remedial election was concluded on March 26, 2010. It is, therefore,

DETERMINED, that there is probable cause to believe that violations of Title IV of the LMRDA occurred which may have affected the outcome of the election conducted by Waltham Drivers' Association on October 14, 2009, but that these violations have been remedied by the new election, conducted in accordance with Title IV of the LMRDA, under the supervision of the Secretary of Labor, that concluded on March 26, 2010.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on October 14, 2009 is not warranted.

Signed this 15th day of April, 2010.



Cynthia M. Downing
Chief, Division of Enforcement



April 16, 2010

Dear |||||:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure



May 5, 2010

Mr. Robert Calkins, Secretary
Waltham Drivers' Association

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Dear Mr. Calkins:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia M. Downing". The signature is written in a cursive style with a large loop at the end of the last name.

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure