

**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 July 13, 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 National Education Association (NEA) Retiree Delegates to the NEA Representative Assembly conducted on March 9, 2009, by New York State United Teachers in Latham, New York.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that the union failed to mail ballots to all eligible members at their last known home address, made no effort to re-mail ballot packages that were returned undelivered to an updated address and failed to preserve all election records for one year.

Apprised of these findings, New York State United Teachers agreed to conduct new election for three NEA Retiree Delegates under the supervision of the Secretary of Labor, in accordance with Title IV of the LMRDA. The agreed upon remedial election was concluded on January 20, 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 New York State United Teachers on March 9, 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, on January 20, 2010.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on March 9, 2009 is not warranted.

Signed this 16th day of February, 2010.

Cynthia M. Downing
Chief, Division of Enforcement

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210



February 16, 2010

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Dear |||||:

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

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure



February 16, 2010

Mr. Gerard J. DeWolf, Counsel to the President

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Dear Mr. DeWolf:

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

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure



February 16, 2010

Mr. Dennis Van Roekel, President
National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036-3290

Dear Mr. Van Roekel:

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

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure