

**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 March 6, 2014, 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 December 5, 2013, by Amalgamated Transit Union Local Division 788 in St. Louis, Missouri.

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 a reasonable opportunity to nominate when it improperly disqualified an eligible nominee for 1st Shed Captain, DeBaliviere, and prevented her from running for office.

Apprised of these findings, Amalgamated Transit Union Local Division 788 agreed to conduct new nominations and a new election for the office of 1st Shed Captain, DeBaliviere, under the supervision of the Secretary of Labor, in accordance with Title IV of the LMRDA. The agreed upon remedial election was concluded on November 6, 2014. 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 Amalgamated Transit Union Local Division 788 on December 5, 2013, 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 November 6, 2014.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on December 5, 2013 is not warranted.

Signed this 11th day of December, 2014.

Patricia Fox
Chief, Division of Enforcement

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



December 11, 2014

[REDACTED]

Dear [REDACTED]:

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



December 11, 2014

Mr. Michael Breihan, President
Amalgamated Transit Union Local Division 788
ATU Local Division 788
1611 S. Broadway, Room 104
St. Louis, Missouri 63104-3845

Dear Mr. Breihan:

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



December 11, 2014

Mr. Lawrence J. Hanley, International President
Amalgamated Transit Union
5025 Wisconsin Avenue, N.W.
Washington, DC 20016

Dear Mr. Hanley:

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure