

**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 31, 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 December 11, 2008, by National Association of Letter Carriers (NALC) Branch 217 in Jackson, Mississippi.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that Branch 217 incumbent officers and candidates had unregulated access to voted ballots prior to the election; unvoted ballots were hand delivered to voters by a candidate with access to election materials; voted ballots were returned by hand instead of by mail; ineligible members were permitted to vote and a voter eligibility checklist was not used in the election; eligible members were denied the right to vote when their ballots were voided because the union sent reply envelopes that did not provide the necessary identifying information; candidates were denied the right to have observers at the counting of ballots; ballots were not properly counted resulting in incorrect candidates being installed in some trustee and delegate positions; and election records were not properly maintained.

Apprised of these findings, NALC Branch 217 agreed to conduct new nominations and a new election for the offices of vice president, treasurer, three trustees, and delegates to the NALC 2010 Mississippi State Convention under the supervision of the Secretary of Labor, in accordance with Title IV of the LMRDA. The agreed upon remedial election was concluded on September 3, 2009. 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 National Association of Letter Carriers (NALC) Branch 217 on December 11, 2008, 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 September 3, 2009.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on December 11, 2008 is not warranted.

Signed this 6th day of October, 2009.

Cynthia M. Downing
Chief, Division of Enforcement

U.S. Department of Labor

Employment Standards Administration
Office of Labor-Management Standards
Washington, DC 20210



October 7, 2009

Dear |||||:

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

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Employment Standards Administration
Office of Labor-Management Standards
Washington, DC 20210



October 7, 2009

Mr. Tommy Hairston, President
National Association of Letter Carriers (NALC) Branch 217
P.O. Box 2150
Jackson, Mississippi 39225-2150

Dear Mr. Hairston:

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

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Employment Standards Administration
Office of Labor-Management Standards
Washington, DC 20210



October 7, 2009

Mr. William H. Young, President
National Association of Letter Carriers
100 Indiana Avenue, N.W.
Washington, D.C. 20001-2144

Dear Mr. Young:

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

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure