

**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 April 20, 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 Professional Security Employees Local 1 in Ballston Spa, New York.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed seven violations of the LMRDA. Union funds were used to promote the candidacy of the incumbent slate when officers emailed members on a union email chain and on union letterhead in violation of Section 401(g) of the LMRDA. The union failed to provide proper notice of election in violation of Section 401(e) of the LMRDA. The union placed a group of candidates on the ballot as a "slate" without the agreement of the candidates and then did not allow voters to choose among individual candidates while voting in violation of Section 401(c) of the LMRDA. The union failed to elect its officers by secret ballot in that members were able to cast a ballot by phoning in their votes to the election committee and no area was provided for voters to cast their ballots to ensure privacy in violation of Section 401(a) of the LMRDA. The union failed to post and announce the full election results following the election in violation of Section 401(e) of the LMRDA.

Apprised of these findings, Professional Security Employees Local 1 agreed to conduct new nominations, if necessary, and a new election of officers 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 2, 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 Professional Security Employees Local 1 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 2, 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 2nd 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 Mr. Bryant:

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

Rob Hisert, Business Agent
Professional Security Employees Local 1
466 Truax Road
Amsterdam, New York 12010

Dear Mr. Hisert:

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

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure