

**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 May 2, 2010, 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 April 17, 2010, by AAUP New York State Conference in Rochester, New York.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that the New York State Conference ("NYSC") failed to elect some of its officers by secret ballot in violation of Section 401(d) of the LMRDA. The NYSC also failed to provide all its members, who live throughout New York State, a reasonable opportunity to vote by holding its election in New York City, a great distance from many NYSC members.

Apprised of these findings, the New York State Conference agreed to conduct new nominations 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 March 23, 2011. 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 AAUP New York State Conference on April 17, 2010, 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 March 23, 2011.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on April 17, 2010 is not warranted.

Signed this 11th day of May, 2011.

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



May 11, 2011



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



May 11, 2011

Dr. David Linton, President
AAUP New York State Conference
c/o Department of Communication Arts
Marymount Manhattan College
221 East 71st Street
New York, New York 10021

Dear Dr. Linton:

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



May 11, 2011

Mr. Cary Nelson, President
American Association of University Professors
1133 Nineteenth St., NW, Suite 200
Washington, DC 20036

Dear Mr. Nelson

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure