

**U.S. DEPARTMENT OF LABOR  
OFFICE OF LABOR-MANAGEMENT STANDARDS  
WASHINGTON, DC 20210**

**DETERMINATION**

Determination of Complaints Filed under Title IV  
of the Labor-Management Reporting and Disclosure Act of 1959

On May 16, 2012 and May 29, 2012, the Secretary of Labor received complaints 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 November 30, 2011, by NABET-CWA Local 11 in New York, 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 timely accommodate a campaign mailing request for the "Giles Slate."

Apprised of these findings, NABET-CWA Local 11 agreed to conduct a new election for the position of secretary 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 5, 2012. 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 NABET-CWA Local 11 on November 30, 2011, 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 5, 2012.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on November 30, 2011 is not warranted.

Signed this 12th day of December, 2012.

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 13, 2012

[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 13, 2012

Mr. Thomas Cappo, President  
NABET-CWA Local 11  
145 W. 30th Street, 12th Floor  
New York, New York 10001

Dear Mr. Cappo:

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**

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Washington, DC 20210  
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December 13, 2012

Mr. Larry Cohen, International President  
Communication Workers of America  
501 3rd Street, NW  
Washington, DC 20001

Dear Mr. Cohen:

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

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

Enclosure