

**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 January 7 and 9, 2013, the Secretary of Labor received complaints alleging violations of Section 401 of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred in the regularly scheduled election of officers conducted on September 4, 2012 , by United Food and Commercial Workers (UFCW) Local 5 in San Jose, California.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that union funds were used to promote the candidacy of certain candidates when an international officer sent a letter to various union officers soliciting contributions for the incumbent UFCW Local 5 president's campaign and an international executive assistant compiled the address list using union resources while on union time.

Apprised of these findings, United Food and Commercial Workers Local 5 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 June 30, 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 UFCW Local 5 on September 4, 2012, 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 June 30, 2014.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on September 4, 2012 is not warranted.

Signed this 7th day of November, 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



November 7, 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



November 7, 2014

Mr. Ron Lind, President
United Food and Commercial Workers (UFCW) Local 5
240 South Market Street
San Jose, California 95113

Dear Mr. Lind:

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
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November 7, 2014

Mr. Joseph T. Hansen, International President
United Food and Commercial Workers
1775 K Street, N.W.
Washington, D.C. 20006

Dear Mr. Hansen:

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



November 7, 2014

[REDACTED]

Dear [REDACTED]:

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Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

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November 7, 2014



Dear [REDACTED]:

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure