



September 29, 2009

Dear |||||:

This Statement of Reasons is in response to your complaint filed on March 27, 2009, with the Department of Labor alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 481-484, occurred in connection with the election of officers conducted by the United States Court Security Officers (USCSO), on January 29, 2009.

The Department of Labor (Department) conducted an investigation of your allegation. As a result of our investigation, the Department has concluded, with respect to your allegation, that there was no violation of the LMRDA.

You alleged that you were improperly denied the right to run for office because you did not pay your dues. Section 401(e) of the LMRDA provides that every member in good standing shall be eligible to be a candidate and to hold office subject to reasonable qualifications that are uniformly imposed. 29 U.S.C. § 481(e). Article VI, Section 5 of the USCSO Constitution and Bylaws provides that to be eligible to stand for election, a member must be in continuous good standing, i.e., be current in dues payment, for one year prior to nomination.

The Department's investigation established that you were nominated for the positions of President and District Vice President for the Southern District of New York. After nominations, the election chairman checked the eligibility of all nominees and nominators for the contested positions. Your name did not appear on the list of paid up members in good standing. The union checked its dues records and did not find any evidence that you had paid any dues since joining the union in May 2007. In fact, the records revealed that you had not submitted a membership application or the \$50.00 initiation fee. There is no evidence that monthly dues were withheld from your paycheck pursuant to either a dues deduction or direct pay arrangement. It appears that failure to submit the application and pay the initiation fee prevented the processing of any dues deduction or direct pay authorization by you. You acknowledged that you could not find any record of having submitted the initiation fee, and that you never

looked at your pay stubs to see if union dues were being deducted. As a result, at the time of nominations you owed the initiation fee and dues from your date of hire in May 2007 through December 2008. You were not a member in good standing at the time of the election, and the union properly ruled you ineligible for office. There was no violation.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA, and I have closed the file regarding this allegation.

Sincerely,

Patricia Fox
Acting Chief, Division of Enforcement

cc: Daniel Hauschild, President
United States Court Security Officers
35 Market Street
Poughkeepsie, N.Y. 12601