

**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 August 15, 2021, 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 in November 2020, by Sheet Metal, Air, Rail and Transportation Workers, Transportation Division Local 172-TD in Colwyn, Pennsylvania.


Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that the union failed to provide proper notice of nomination when approximately half of its membership, who were furloughed during the nomination period, were not notified, in violation of Section 401(e) of the LMRDA.

Apprised of these findings, Sheet, Metal, Air, Rail and Transportation Workers, Transportation Division, 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 January 10, 2022. 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 Sheet Metal, Air, Rail and Transportation Workers, Transportation Division Local 172-TD in November 2020, 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 January 10, 2022.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted in November 2020 is not warranted.

Signed April 21, 2022.



Chief, Division of Enforcement

U.S. Department of Labor

Office of Labor-Management Standards
Suite N-5119
200 Constitution Ave., NW
Washington, D.C. 20210
(202) 693-0143



April 21, 2022

[REDACTED]

Dear [REDACTED]:

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

Sincerely,

[REDACTED]

Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Suite N-5119
200 Constitution Ave., NW
Washington, D.C. 20210
(202) 693-0143



April 21, 2022

Edna Stockley, President
SMART Local 172-TD
203 N 10th St., FL 1
Darby, PA 19023-1706

Dear Ms. Stockley:

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

Sincerely,

A large black rectangular box redacting the signature of the official.

Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Suite N-5119
200 Constitution Ave., NW
Washington, D.C. 20210
(202) 693-0143



April 21, 2022

Jeremy Ferguson, President
SMART-TD
1750 New York Avenue, NW, 6th Floor
Washington, DC 20006

Dear Mr. Ferguson:

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

Sincerely,

A large black rectangular redaction box covers the signature and name of the official.

Chief, Division of Enforcement

Enclosure