

**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 November 25, 2009, and November 30, 2009, 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 October 24, 2009, by the Association Employees Union in San Jose, California.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that the union violated Title IV when a candidate distributed his campaign material by email using email addresses he had compiled by virtue of his position in the union and which were not made available to all candidates, and employer resources were used to produce and distribute a campaign flyer.

Apprised of these findings, Association Employees Union agreed to conduct a new election for president, vice president-north, and trustee-south 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 20, 2010. 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 Association Employees Union on October 24, 2009, 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 20, 2010.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on October 24, 2009 is not warranted.

Signed this 26th day of May, 2010.

Cynthia M. Downing  
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 27, 2010


Dear |||||:

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

Sincerely,

Cynthia M. Downing  
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 27, 2010

Mr. Carlo Tarantola, President  
Association Employees Union  
Post Office Box 811  
2530 Berryessa Road  
San Jose, California 95132

Dear Mr. Tarantola:

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

Sincerely,

Cynthia M. Downing  
Chief, Division of Enforcement

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