

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

**DETERMINATION**

Determination of a Complaint Filed under Section 458.63 of the  
Standards of Conduct Regulations (29 CFR 458.63) Issued pursuant to  
Section 7120(d) of the Civil Service Reform Act of 1978 (5 U.S.C. 7120(d))

On December 15, 2017 and January 19, 2018, the Secretary of Labor received complaints alleging violations of Section 458.29 of the Rules and Regulations issued pursuant to Section 7120(d) of the Civil Service Reform Act of 1978 (CSRA), in the regularly scheduled election of officers conducted on November 22, 2017, by the Patent Office Professional Association (POPA) in Alexandria, Virginia.

Pursuant to Section 458.50 of the Rules and Regulations, the Chief of the Division of Enforcement of the Office of Labor Management Standards (OLMS) caused an investigation to be conducted by the Department of Labor. The investigation disclosed that the conduct of the challenged election violated Section 458.29 of the Rules and Regulations in that the union denied members the right to vote, in violation of LMRDA Section 401(e). The investigation also concluded that POPA failed to provide proper notice of election, in violation of the Section 401(e) requirement that an election notice be mailed to the last known home address of each member at least 15 days prior to the election. The investigation further found that POPA failed to take reasonable steps to maintain and update its membership list, in that it had knowledge of updated addresses yet did not update its membership list with these corrected addresses.

Apprised of these findings, POPA agreed to conduct a new election and installation, and, if necessary, new nominations, for the offices of president, vice president, secretary, assistant secretary, treasurer, chemical area delegates (9), designs and other area delegates (2), electrical area delegates (17), and mechanical area delegates (9), under the supervision of the Chief of the Division of Enforcement, in accordance with Section 458.29 of the Rules and Regulations. The agreed upon remedial election was concluded on October 11, 2018. It is, therefore,

**DETERMINED**, that there is probable cause to believe that violations of Section 458.29 of the Rules and Regulations occurred which may have affected the outcome of the election conducted by POPA, but that these violations have been remedied by the new election, conducted in accordance with Section 458.29, under the supervision of the Chief, Division of Enforcement, OLMS, which concluded on October 11, 2018.

**U.S. Department of Labor**

Office of Labor-Management Standards  
Division of Enforcement  
Washington, DC 20210  
(202) 693-0143 Fax: (202) 693-1343



December 3, 2018

Pamela R. Schwartz, President  
Patent Office Professional Association  
P.O. Box 25287  
Alexandria, VA 22313

Dear Ms. Schwartz:

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

Sincerely,



Sharon Hanley  
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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December 3, 2018

[REDACTED]

Dear [REDACTED]

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

Sincerely,

[REDACTED]

Sharon Hanley  
Chief, Division of Enforcement

Enclosure



December 3, 2018

[REDACTED]

Dear [REDACTED]:

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

Sincerely,

[REDACTED]

Sharon Hanley  
Chief, Division of Enforcement

Enclosure



December 3, 2018

[REDACTED]

Dear [REDACTED]

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

Sincerely,

[REDACTED]

Sharon Hanley  
Chief, Division of Enforcement

Enclosure



December 3, 2018

[REDACTED]

Dear [REDACTED]

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

Sincerely,

[REDACTED]

Sharon Hanley  
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

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December 3, 2018

[REDACTED]

Dear [REDACTED]

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

Sincerely,

[REDACTED]

Sharon Hanley  
Chief, Division of Enforcement

Enclosure

Therefore, enforcement proceedings under Section 458.66 of the Rules and Regulations to set aside the election conducted on November 22, 2017 are not warranted.

Signed this 12th day of December 2018.



Sharon Hanley  
Chief, Division of Enforcement