

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 August 28, 2017 & December 20, 2017, 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 August 26, 2017, by Machinists District Lodge 70 in Wichita, Kansas.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that Machinists District Lodge 70 failed to provide adequate notice of the election in violation of Section 401(e) when a total of 483 combined nomination/election notices were returned as undeliverable and no attempt was made to obtain current addresses or re-mail the notices. Additionally, the investigation established that employer resources were used to campaign in violation of Section 401(g) when an employer e-mail system was used to disseminate campaign literature by employees who were on employer time.

Apprised of these findings, Machinists District Lodge 70 agreed to conduct a new endorsement vote in Local Lodge 839, and a new election for the offices of President/Directing Business Representative and Secretary Treasurer under the supervision of the Secretary of Labor, in accordance with Title IV of the LMRDA. The agreed upon remedial election was concluded on August 4, 2018. 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 Machinists District Lodge 70 on August 26, 2017, 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 August 4, 2018.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on August 26, 2017 is not warranted.

Signed this 31st day of October, 2018.


Sharon Hanley
Chief, Division of Enforcement

bcc: DENSLDO SOL DIS File: 510-6011948(02) & 510-6012553(02) 510-6012897(72)
OLMS/DOE//FPB N-5119//

Initials	XAD			
Date	10/18/18			
Last Name	DEMPSEY	HANLEY		
Title	DOE Inv.	DOE Chief		

Case String: 510601289772 LM: 037332 DOE Number: 9101 & 9133

U.S. Department of Labor

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



December 11, 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

U.S. Department of Labor

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



December 11, 2018

Mr. Tony Blevins, Deputy/Grand Lodge Representative
Machinists District Lodge 70
3830 S. Meridian
Wichita, KS 67217

Dear Mr. Blevins:

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
(202) 693-0143 Fax: (202) 693-1343



December 11, 2018

Mr. Robert Martinez, Jr., International President
International Association of Machinists
9000 Machinists Place
Upper Marlboro, MD 20772-2687

Dear Mr. Martinez:

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

Sincerely,



Sharon Hanley
Chief, Division of Enforcement

Enclosure