

**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 April 4, 2018, 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 on December 2, 2017, by Bakers Local 85 in Sacramento, California.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that an incumbent candidate used an employer's copier and supplies to campaign for himself and other candidates without reimbursing the employer. The same incumbent candidate also campaigned for office by using member telephone numbers he had obtained in the course of performing his official union duties. In addition, the investigation concluded that the union failed to mail an election notice to all members.

Apprised of these findings, Bakers Local 85 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 October 17, 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 Bakers Local 85 on December 2, 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 October 17, 2018.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on December 2, 2017 is not warranted.

This Determination replaces an earlier version dated February 19, 2019.

Signed April 2, 2019.

Brian A. Pifer
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



April 2, 2019

[REDACTED]

Dear [REDACTED]:

The enclosed revised Determination represents the Department's final disposition of the matter mentioned therein and replaces an earlier version dated February 19, 2019.

Sincerely,

[REDACTED]

Brian A. Pifer
Chief, Division of Enforcement

Enclosure

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April 2, 2019

[REDACTED]

Dear [REDACTED]

The enclosed revised Determination represents the Department's final disposition of the matter mentioned therein and replaces an earlier version dated February 19, 2019.

Sincerely,

[REDACTED]

Brian A. Pifer
Chief, Division of Enforcement

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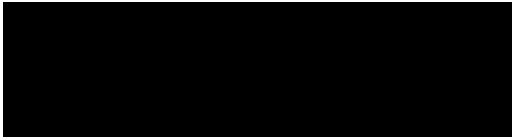
April 2, 2019

Jerry Gil, Secretary Treasurer
Bakery, Confectionary, Tobacco Workers International Union Local 85
7125 Governors Circle
Sacramento, CA 95823

Dear Mr. Gil:

The enclosed revised Determination represents the Department's final disposition of the matter mentioned therein and replaces an earlier version dated February 19, 2019.

Sincerely,



Brian A. Pifer
Chief, Division of Enforcement

Enclosure

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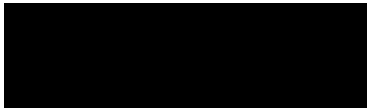
April 2, 2019

David B. Durkee, International President
Bakery, Confectionary, Tobacco Workers International Union
10401 Connecticut Avenue
Kensington, Maryland 20895

Dear Mr. Durkee:

The enclosed revised Determination represents the Department's final disposition of the matter mentioned therein and replaces an earlier version dated February 19, 2019.

Sincerely,



Brian A. Pifer
Chief, Division of Enforcement

Enclosure