

**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 January 25, 2020, 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 May 16, 2019, by UNITE HERE Local 5 in Honolulu, Hawaii.

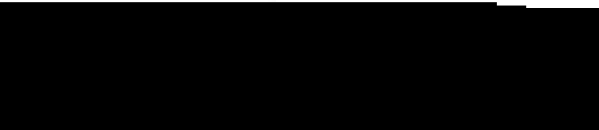
Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that the union failed to ensure ballot secrecy by using numbered ballots that could be matched to numbered return ballot envelopes with the voter's name.

Apprised of these findings, UNITE HERE Local 5 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 August 27, 2021. 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 UNITE HERE Local 5 on May 16, 2019, 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 27, 2021.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on May 16, 2019 is not warranted.

Signed November 24, 2021.



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



November 3, 2021

[Redacted]

Dear [Redacted]:

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

Sincerely,

[Redacted Signature]

[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



November 3, 2021

Gemma Watson, President  
UNITE HERE Local 5  
1516 S. King Street  
Honolulu, HI 96826

Dear Ms. Watson:

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

Sincerely,

[Redacted signature block]

[Redacted name]

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



November 3, 2021

D. Taylor, International President  
UNITE HERE  
275 7th Ave., 16th Floor  
New York, NY 10001-6708

Dear Mr. Taylor:

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

Sincerely,

[Redacted signature block]

[Redacted name]  
Chief, Division of Enforcement

Enclosure