

**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 December 11, 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 October 14, 2020, by New York Professional Nurses Union in New York, New York.


Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that the union failed to mail notice of the election to the last known home address of all members at least 15 days prior to the election, denied new members the right to vote despite their having met the requirements for membership, and failed to provide adequate safeguards to ensure a fair election when it did not provide any advance notice of a change in its eligibility rules with respect to members who were in arrears after a leave of absence.

Apprised of these findings, the New York Professional Nurses Union agreed to conduct a new election and installation for vice president, and new nominations, election, and installation for seven executive board members under the supervision of the Secretary of Labor, in accordance with Title IV of the LMRDA. The agreed upon remedial election was concluded on January 12, 2022. 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 New York Professional Nurses Union on October 14, 2020, 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 January 12, 2022.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on October 14, 2020 is not warranted.

Signed February 23, 2022.



Tracy L. Shanker
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



February 23, 2022

[REDACTED]

Dear [REDACTED]:

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

Sincerely,

[REDACTED]

Tracy L. Shanker
Chief, Division of Enforcement

Enclosure

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