

**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 June 1, 2011, 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 February 22, 2011, by United Transportation Union General Committee of Adjustment 387 in Sioux City, Iowa.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that union equipment and stationery were used to create and distribute campaign material and that a participant in the election was not elected by secret ballot vote of the members he represented.

Apprised of these findings, United Transportation Union General Committee of Adjustment 387 agreed to conduct new nominations and a new election for general chairman and vice general chairman under the supervision of the Secretary of Labor, in accordance with Title IV of the LMRDA. The agreed upon remedial election was concluded on December 20, 2011. 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 United Transportation Union General Committee of Adjustment 387 on February 22, 2011, 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 December 20, 2011.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on February 22, 2011 is not warranted.

Signed this 10th day of February, 2012.

Patricia Fox  
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



February 10, 2012

[REDACTED]

Dear [REDACTED]:

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

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

Enclosure

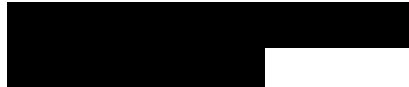
**U.S. Department of Labor**

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Washington, DC 20210  
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February 10, 2012

Mr. Nate MacDonald, General Chairman  
United Transportation Union General Committee of Adjustment 387  
UTU GCA 387



Dear Mr. MacDonald:

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

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

Enclosure



February 10, 2012

Mr. Mike Futhey, President  
UTU  
24950 Country Club Boulevard, Suite 340  
N. Olmsted, Ohio 44070-5333

Dear Mr. Futhey:

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

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

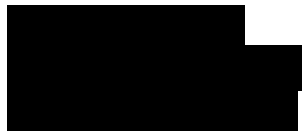
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Sincerely,

Patricia Fox  
Chief, Division of Enforcement

Enclosure