

**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 June 2, 2011, 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 February 25, 2011, by Teachers AFL-CIO, Guam Federation of Teachers Local 1581 in Hagatna, Guam.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that a violation of section 401(e) of the LMRDA occurred when seven polling sites, listed on the notice of election as sites at which balloting would be conducted on the day of election, did not open. As a result 137 members in good standing of Local 1581 were denied a reasonable opportunity to vote. The vote margins for the office of vice president, secretary, and treasurer ranged from 145 to 169 votes. The office of president was won by a margin of 36 votes. Inasmuch as the vote margin for the office of president was 36 votes, the violation may have affected the outcome of the election for the office or president.

Apprised of these findings, Guam Federation of Teachers Local 1581 agreed to conduct new nominations and a new election for the office of president under the supervision of the Secretary of Labor, in accordance with Title IV of the LMRDA. The agreed upon remedial election was concluded on June 2, 2012. It is, therefore,

DETERMINED, that there is probable cause to believe that a violation of Title IV of the LMRDA occurred which may have affected the outcome of the election conducted by Teachers AFL-CIO, Guam Federation of Teachers Local 1581 on February 25, 2011, but that this violation has been remedied by the new election, conducted on June 2, 2012.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on February 25, 2011 is not warranted.

Signed this 5th day of September, 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



September 5, 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

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



September 5, 2012

Mr. Tim Fedenko, President
Teachers AFL-CIO, Guam Federation of Teachers Local 1581
P.O. Box 2301
Hagatna, Guam 96932

Dear Mr. Fedenko:

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

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



September 5, 2012

Ms. Randi Weingarten, National President
Teachers AFL-CIO
555 New Jersey Ave., N.W.
Washington, D.C. 20001

Dear Ms. Weingarten:

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

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



September 5, 2012

[REDACTED]

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Patricia Fox
Chief, Division of Enforcement

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September 5, 2012



Dear [REDACTED]

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Sincerely,

Patricia Fox
Chief, Division of Enforcement

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